

# Umatilla Army Depot Redevelopment Authority

## Request for Proposals for Administrative and Planning Activities

The Umatilla Army Depot Reuse Authority (“LRA”) is requesting proposals to support land redevelopment planning and public outreach activities to facilitate the transition of the Umatilla Chemical Depot (UMCD) from military to civilian use. This action is governed by the Defense Base Closure and Alignment Act of 1990 (PL 101-510), as amended through FY 05 Authorization Act. The Umatilla LRA is comprised of five organizations, the counties of Morrow and Umatilla, the Ports of Morrow and Umatilla, and the Confederated Tribes of the Umatilla Indian Reservation (with two ex-officio State representatives), and is chartered with the responsibility to administer the transition of the UMCD to civilian use. The following scope of work is the minimum acceptable level of effort that the LRA believes to be necessary to accomplish the project’s objectives. Proposers are free to expand, rearrange, or modify this scope as it sees appropriate. However, the final proposal must clearly show how the proposer’s approach to this project meets the stated objectives and deliverables outlined in this request for proposals (RFP).

### 1 Requested Scope of Work

#### Task 1: Administrative Support

The successful proposer will provide administrative and public outreach support to the LRA throughout the duration of the contract. One of the main functions of the successful proposer will be to establish and maintain a means for communicating with the surrounding communities. This will entail soliciting input for the land redevelopment planning process and disseminating publicly available information to requesting parties. These activities will include:

1. Provide a consistent human interface between the public and the LRA through managing an LRA phone line and answering emails and other correspondences to the LRA. This work will require the proposer to designate a key contact within their organization who will be dedicated to providing the human interface for the LRA to the public. This person should be dedicated to this project for the duration of the project activities. A local presence for this individual within the Hermiston area is preferred.
2. Develop and maintain a web site for the LRA that will provide a single location for public documents related to the Umatilla Army Depot BRAC process. These documents will include, but not be limited to, environmental documents, LRA meeting minutes, and public notices. The ability for the public to download documents in PDF format will be a requirement for the LRA website.
3. Provide administrative support for the LRA. This support will include taking and compiling meeting minutes, managing LRA records, and drafting LRA correspondences and public notices.

4. Document the actions of the LRA throughout the planning and transfer process. This activity includes compiling and keeping current all project files including, but not limited to, correspondences, meeting minutes, technical documents, site environmental data, site logistics data, county planning actions, and records related to pertinent legislative actions.
5. Maintain communication with LRA membership by attending monthly LRA meetings and providing written monthly updates to the LRA on cost and progress.

## **Task 2: Initial Planning and Public Outreach**

Activities to be completed by the successful proposer will include:

1. Develop the protocols required for the LRA to implement the BRAC process and comply with BRAC law and the current Memorandum of Agreement. Draft appropriate documents as necessary.
2. Plan and conduct a 1-day workshop that will allow the LRA to refine the community's future vision for the UMCD and define a process for identifying priorities for reuse planning.
3. Conduct outreach to State and Local Government, non-profit organizations, and homeless assistance providers as outlined in the published Notice of Availability of Surplus Federal Property.
4. Assist the LRA in developing criteria for the evaluation of received Notices of Interest responding to the Notice of Availability of Surplus Federal Property.
5. Assist the LRA in coordinating with the Army on the availability of UMCD personal property. This activity will include obtaining the UMCD Personal Property Inventory, conducting an on-site evaluation of personal property indicated as available to the LRA, and presenting to the LRA an assessment on the types of personal property available and its condition.
6. Conducting interviews with key community and state leaders as well as with LRA members to ascertain expectations and limitations for the redevelopment of the UMCD. Interviews may be in person or by telephone. A minimum list of contacts will be provided by the LRA.
7. Planning and leading a minimum of two community focus group meetings. The meetings will be scheduled so that members of the community will have the opportunity to voice their concerns and discuss their ideas of redevelopment options. Notes of these meetings will be prepared and maintained by the successful proposer, and provided to the LRA.
8. Suggesting other methods of community contact that the successful proposer deems appropriate. Response to this RFP should clearly indicate these suggested methods and the associated scope of work.

## **Task 3: Morrow and Umatilla County Social and Economic Assessment**

The social and economic conditions surrounding the UMCD will be surveyed and analyzed to aid in assessing the development potential of the UMCD. Information

developed in this sub-task will be incorporated in written format into the LRA Redevelopment Plan. In this effort the proposer will:

1. Survey and provide an analysis of regional economic development assets and analyze real estate market trends and pressures affecting the redevelopment of UMCD property,
2. Review major regional economic development trends, including opportunities and constraints related to the vision of future development of UMCD.
3. Evaluate facilities and conditions beyond the immediate boundaries of UMCD that are relevant to the development of the UMCD, including, but not limited to, local and regional transportation facilities, existing and needed infrastructure, other existing and planned industrial property, land use plans and zoning, and other competing economic development conditions and opportunities.
4. Identify and evaluate other job creation opportunities in Umatilla and Morrow Counties as a way to explore options for offsetting the impacts of the closure.
5. Estimate the current maintenance costs of the UMCD facility.
6. Apply the information gained in this phase to estimate:
  - The degree of economic reliance on UMCD by the counties and adjacent communities.
  - The further impact of closure on the local economy and local employment.
  - The likely short-term impact that closure will have on local tax revenue.
  - A strategy to mitigate these negative impacts in the short-term.

#### **Task 4: UMCD Land and Facilities Assessment**

The successful proposer will evaluate the condition of the land comprising the UMCD and the major facilities (buildings and other man-made structures). This work will also identify important or unique historical, cultural, and natural resources to be conserved and/or protected. All activities will rely on Army-provided data for historical, cultural, and environmental information. Building and land assessment will rely on existing data and a walk through survey of the land and facilities. In addition, interviews will be conducted with installation staff, local utility providers, and government officials. All information generated in this task will be provided in written format and will be presented in a level of detail that allow the LRA to make informed decisions about which alternative to include in the final LRA Redevelopment Plan.

The successful proposer will evaluate each facility's current condition and future redevelopment potential, taking into account future operational costs. The facilities evaluation shall include, but not be limited to, the following:

- Location and accessibility of the facility
- Level of compliance with federal, state and local building codes
- Structural integrity
- Utility services available to the site
- Energy efficiency
- Expansion capability and feasibility for adaptive redevelopment
- Future operating and maintenance costs by adaptive redevelopment scenario
- Ecosystem status
- Prehistoric and historic cultural resources

The successful proposer will also incorporate the above information into a facilities assessment section of the LRA Redevelopment Plan. The facilities assessment shall depict the proposed modifications, if any, to buildings and facilities necessary to implement identified redevelopment options. This plan will include preliminary estimates of the costs associated with implementing the facilities plan.

All information generated in this task will be provided in written format and will only be presented in a level of detail that will allow the LRA to make informed decisions about which alternative to include in the final LRA Redevelopment Plan.

### **Task 5: Infrastructure Assessment**

The successful proposer will conduct an initial assessment and evaluate the condition of the infrastructure on and near the UMCD along with the feasibility and cost of maintaining the existing utilities. The analysis will use available data along with walkover surveys. This analysis shall encompass:

- Utility systems including, but not limited to, storm water conveyance systems, sanitary sewers and treatment facilities, potable water supply and storage capability, fire suppression supply, lines and hydrants, above and below ground utility lines, telecommunication systems, and fuel storage and distribution systems.
- UMCD Roadways (paved and unpaved)
- UMCD Parking surfaces (paved and unpaved).
- Off-site capabilities of the public water, sanitary sewer, electric and gas system to accommodate UMCD development.
- Local streets and highways to accommodate existing and expanded development on the UMCD.

All information generated in this task will be provided in written format and will only be presented in a level of detail that will allow the LRA to make informed decisions about which alternative to include in the final LRA Redevelopment Plan.

### **Task 6: Environmental Assessment.**

The identification and analysis of environmental issues, constraints, and potential opportunities are critical components in the preparation of the LRA Redevelopment Plan. The intent of the work performed by the successful proposer is to provide information to be used in the LRA's Redevelopment Plan. All information generated in this task will be incorporated in written format into the LRA Redevelopment Plan. This effort will include:

1. Reviewing environmental documentation provided by the Army and the Oregon Department of Environmental Quality (DEQ) and conveying important information from these documents to the LRA for its redevelopment planning process.

2. Working closely with the Army during preparation of the required National Environmental Policy Act (NEPA) documentation for the UMCD to ensure the LRA's interests are taken into account in the alternatives analyzed.
3. Reviewing and evaluating CERCLA<sup>a</sup> and RCRA<sup>b</sup> clean-up and closure issues, and remedial strategies, to ensure the requirements of the LRA Redevelopment Plan are taken in full consideration and that property transfers is not delayed.
4. Reviewing historical site data and environmental documentation received from the Army to determine potential areas of concern in relation to the redevelopment planning process.
5. Identify potential environmental issues that may impact redevelopment. These issues will be shared with the Army and will serve as a basis for the LRA to discuss supplemental remediation approaches with the Army.
6. Review site environmental investigations conducted by the Army to determine if the environmental site characterization and environmental remediation actions adversely impact the contemplated reuse planning efforts. Initiate a dialogue with the Army concerning the LRA's reuse planning efforts.
7. Review the Army's Environmental Condition of Property Report and recommend expansion of scope as necessary to accommodate redevelopment concerns.
8. Meet with local regulators to confirm local cleanup standards and areas of concern as they relate to the implementation of the LRA Redevelopment Plan.
9. Provide specific recommendations to the LRA on how the redevelopment plan should be adjusted to accommodate environmental constraints.
10. Work closely with the Army regarding the remedy development and selection process to ensure selected remedies support the LRA Redevelopment Plan.
11. Review the initial Army NEPA scope to determine if it is sufficient to address the contemplated reuse planning efforts. Initiate a dialogue with the Army concerning the effective and efficient integration of the LRA's reuse planning efforts into the Army's EIS.
12. Review existing data on the utility systems and do an initial assessment of how cleanup and permitting issues may affect the future operations of these systems.

All information generated in this task will be provided in written format and will only be presented in a level of detail that will allow the LRA to make informed decisions about which alternative to include in the final LRA Redevelopment Plan.

### **Task 7: Market Assessment**

The successful proposer will conduct a market study based upon regional economic conditions, trends, and pressures affecting redevelopment to forecast market demand for short-term leasing and long-term potential for redevelopment. The scope of the study must be broad enough to include possible land use types including agricultural,

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<sup>a</sup> Comprehensive Environmental Response, Compensation, and Liability Act

<sup>b</sup> Resource Conservation and Recovery Act

commercial, industrial, and recreational. The successful proposer will develop and follow a suitable market demand study methodology and document said methodology, data, findings, and recommendations. The methodology shall include a definition of an appropriate market area, and an evaluation of local, regional, and national economic trends. The methodology shall also include analysis of demand, analysis of competition, and a forecast of market demand. Finally, obstacles and challenges to redevelopment of the UMCD will be identified and mitigating actions to these challenges shall be suggested. All information generated in this task will be provided in written format and will only be presented in a level of detail that will allow the LRA to make informed decisions about which alternative to include in the final LRA Redevelopment Plan.

### **Task 8: Homeless Accommodation Assessment**

Efforts in this task will focus on developing the homeless assistance submission for the Department of Housing and Urban Development as detailed in 32 CFR 176.20(c). To this end the successful proposer will:

1. Assist the LRA in assessing the interest and needs of the providers of assistance to the homeless in the vicinity of the UMCD, and the capabilities of facilities at the UMCD to serve the needs of the homeless.
2. Assist the LRA in integrating the needs of homeless support organizations into the overall redevelopment plan
3. Make suggestions to the LRA on how the LRA Redevelopment Plan could be enhanced to balance the needs of the homeless with the economic development plans and needs of the community.
4. Incorporate any information and details supplied to the LRA by homeless assistance providers on the needs of the homeless in the vicinity of the UMCD into the LRA Redevelopment Plan and the Homeless Assistance Submission
5. Prepare the Homeless Assistance Submission in a manner that is acceptable to the Department of Housing and Urban Development.

### **Task 9: Redevelopment Alternatives Assessment**

The successful proposer will identify redevelopment alternatives for the UMCD property based on information collected in Tasks 3 - 7. Each viable redevelopment alternative will be described and land use diagrams will be prepared to illustrate the potential sizing and land uses and how each use relates to other features on the site and surrounding area. Each redevelopment will be evaluated for the following impacts:

- Financial impacts
- Land use and environmental impacts
- Cultural and natural resource impacts
- Regulatory issues
- Public investment
- Employment impacts
- Infrastructure and transportation impacts
- Such other impacts as the successful proposer shall deem appropriate

The aforementioned information regarding the redevelopment alternatives will be submitted to the LRA for review and comment. The successful proposer will assist the LRA in conducting at least one public forum to present the alternatives to the public and will hear and record public testimony on the alternatives. All public testimony will be made available in both audio and written formats.

### **Task 10: LRA Redevelopment Plan**

Based on public and LRA review of the redevelopment alternatives (Tasks 9), the successful proposer will refine the redevelopment options and prepare a LRA Redevelopment Plan. This plan and supporting LRA Application should be suitable for submission to both the Secretary of Defense and the Secretary of Housing and Urban Development (HUD) as detailed in 32 CFR 176.30 and 24 CFR 586.30. Should either the Secretary of HUD or the Secretary of Defense find the LRA Application to be deficient, the proposer will work with the LRA to correct deficiencies and resubmit the application

Once the LRA Redevelopment Plan is ready for review, the successful proposer will help the LRA conduct at least one public forum to present the final LRA Redevelopment Plan and to hear public testimony. In addition, the successful proposer will coordinate receipt of written public comments during a 30 day public comment period. All public comments will be summarized and responses to individual comments will be developed by the successful proposer with consultation with the LRA. Both the public comments and responses will be included in the LRA Application submitted to the Secretary of HUD or the Secretary of Defense. At a minimum, the LRA Redevelopment Plan will include:

- Morrow and Umatilla County Social and Economic Assessment results (Task 3)
- UMCD Facility Assessment results (Tasks 4,5,6)
- Market Assessment results (Task 7)
- Homeless Accommodation Assessment results (Task 8)
- Redevelopment Alternatives Assessment results (Task 9)
- A specific land use plan for the site
- Ecosystem status
- Prehistoric and historic cultural resource summary
- Action Plan

The specific land use plan will include as appropriate to implement the plan. The recommended redevelopment plan will reflect all proposed land uses by type accompanied by tabulations to summarize the acreage and square footage of existing buildings devoted to each use. The maximum development potential for the installation will be compiled. The successful proposer will indicate a site design and layout for future lease or sale of existing buildings and/or land. Those areas that are environmentally sensitive will be so designated and recommended for preservation. Major support facilities needed to implement the redevelopment plan will also be identified. The adequacy of any existing infrastructure components will be analyzed. The analysis of adequacy of existing facilities will indicate what capital investments will be needed to support the plan.

The successful proposer will also provide the LRA with an Action Plan identifying specific actions needed to implement the recommended redevelopment plan, including zoning, transportation and utility actions.

**Deliverables:**

Deliverables to be completed by the successful proposer, along with estimated completion dates are provided in Table 1. These dates are not compulsory, but are provided to indicate the time frame of activities anticipated by the LRA. The deliverables in Table 1 are, however, a mandatory part of a response to the RFP. These dates assume that a funding agreement is established between the LRA and the successful proposer by late June 2009. Any change in the projected start date will propagate to all subsequent dates.

**Table 1: Project Deliverables and Timeline**

<b>DELIVERABLE</b>	<b>COMPLETION DATE</b>
LRA Roles and Responsibility Report	July 2009
LRA Vision Workshop	Mid July 2009
Functional LRA Web Site	August 2009
Early Community Outreach Meeting 1	Sept 2009
Early Community Outreach Meeting 2	Nov 2010
Public Meeting, Redevelopment Alternatives	Feb 2010
Draft LRA Redevelopment Plan	Feb 2010
Homeless Assistance Application	March 2010
LRA Redevelopment Action Plan	Feb 2010
Final LRA Redevelopment Plan	28 Feb 2010
LRA Approval of Plan	5 March 2010
LRA Application	10 March 2010
Closeout Report	30 April 2010
Quarterly Reports	30 days after end of each quarter

**2 Experience Sought in Successful Proposer**

The firm or consultant team should demonstrate the team’s professional planning, land management, economic analysis, marketing, legal considerations, and resource management experience in the following specific areas:

- Military base conversion processes and regulations.
- Environmental conditions, impact and assessment
- Rural economic development planning and design
- Community participation, organization and management
- Industrial economic development
- Community socio-economic planning

### 3 Contract Type

The study will be funded through grants from the Office of Economic Adjustment (OEA) of the Department of Defense. The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) will be the lead fiscal agency on behalf of the LRA. A contract between the LRA and the winning bidder will be subject to the requirements of OEA, the CTUIR, and the LRA. The award and performance of this contract shall be in accordance with all Federal, State, and local laws and regulations as may be applicable.

The work performed in response to this RFP shall be funded as a fixed price contract. Adjustments in tasks and work product shall be negotiated separately.

### 4 Schedule of Activities

Table 2 indicates the anticipated schedule of activities for the LRA to select a winning proposal and to execute the project. Bidders who desire to attend the pre-bid conference and tour of the UMCD must notify Mr. Bruce Hendrickson of the UMCD Public Affairs Office, in writing by 8 June 2009. The purpose of the tour is to familiarize potential bidders with the facility and the local LRA. Notification of intent to attend the tour should be sent to:

Mr. Phil Ferguson,  
UMCD Base Transition Coordinator  
78798 Ordnance Road  
Hermiston, Oregon 97838-9544  
Phone: (541) 564-5390  
Fax: (541) 564-5481  
email: phillip.m.ferguson@us.army.mil

The notification must include the name of the company being represented, the names of the individual who will attend the tour, and the name of a contract, along with contact information, to whom visitor information can faxed or emailed. Potential bidders are not required to attend the UMCD tour.

**Table 2:** LRA Schedule for Review and Selection of Winning Proposal

<b>ACTION</b>	<b>DATE</b>
RFP Issued	4 June 2009
Pre-Bid Conference and Tour at UMCD	11 June 2009
Proposal Submission Deadline	19 June 2009, 4:00 pm DST
Bid Opening	22 June 2009
On-site Presentations to LRA by Finalists	7 July 2009
Contract Award	7 July 2009
Start Planning Activities	8 July 2009
End of Activities	30 April 2010

## 5 Submittal Information

The proposal shall be clearly labeled “Umatilla Chemical Depot Redevelopment Plan and Implementation Strategy” and will become the property of the LRA. Proposals will not be returned. To be considered, six bound copies and one unbound copy (suitable for reproduction on 8.5 by 11 paper) of the proposal must be submitted by mail or courier no later than 4:00 p.m. Daylight Standard Time (DST), on 19 June 2009. Proposals received after this date will not be accepted under any circumstances and will be returned to the proposer unopened. Proposals received by facsimile are not acceptable. Proposals shall be submitted to:

Mr. Bill Hansell, LRA Chairman  
Umatilla County Board of Commissioners  
216 SE 4th Rm 121  
Pendleton, OR 97801

## 6 Incurred Cost

The LRA will not be responsible for any cost incurred by prospective firms in preparing or submitting their proposals.

## 7 Evaluation and Evaluation Criteria

An evaluation team will judge the merit of proposals in accordance with the general criteria specified in this RFP. This evaluation team will make a recommendation to the LRA Board, who will then make the final decision. Proposal evaluation will be based on the following criteria:

- Qualifications, competence, and specific examples of past BRAC experience. **(30 points)**
- Adequacy and completeness of the proposal with regard to the information provided in the RFP. Emphasis will be given to the specific activities that will be accomplished; the purpose and desired effect of the activities, and a time line in which all services will be delivered. **(30 points)**
- Proposed budget. **(20 points)**
- Ability to work with and advise the LRA, and to best represent the interests of the LRA to external organizations and the public. **(10 points)**
- Immediate availability upon selection. **(10 points)**

## 8 Instructions to Proposers

**General Instructions:** Submit proposal in a sealed envelope clearly marked Umatilla Chemical Depot Redevelopment Plan and Implementation Strategy Proposers must submit a complete and concise response to this RFP. Proposals must include a statement to indicate the period of time the proposal remains valid. All proposals received in response to this RFP will be retained by the LRA. Proposals should provide complete details concerning the proposer’s ability to meet the requirements of this RFP. The LRA reserves the right to waive informalities and minor irregularities in proposals,

to reject any and all proposals, and to select the most responsive proposal that best meets the needs of the LRA.

**Proposal Format:** All proposals shall be typed and comply in every manner with the requirements of this solicitation. Each proposal must be signed in ink. If the proposal is made by a firm or partnership, the name and address of the firm or partnership shall be shown, together with the names and addresses of the members. If the proposal is made by a corporation, it must be signed in the name of such corporation by a person that is authorized to bind the proposer. Proposals must contain the name, title, address and telephone number of an individual or individuals with authority to bind the proposer during the period of validity of the proposal. Advertising brochures and generic specifications that are included with a proposal will not be an alternative to specific response to the RFP requirements.

Proposers must state a definite time for delivery of all goods and performance of all services. Time, if stated as a number of the days, will include Saturdays, Sundays and holidays. All deliverables listed in Tables 1 and 2 of Section 1 of this RFP must be included in proposals.

The winning proposal shall be incorporated by reference, with modification as agreed to by the LRA, into the final contract and shall be binding upon the successful bidder. The LRA reserves the right to add out of scope tasks if they are determined to be in the best interests of the project and approved by the OEA. The allowances will not be a part of the lump sum contract amount and will be awarded only after separate negotiations of specific out of scope tasks with the LRA and approval by OEA. Such out of scope allowances shall be considered on an hourly, not to exceed basis.

Proposers further agree to the following:

- To examine all specifications and conditions thoroughly.
- To comply with all Federal, State, and County laws, ordinances and rules.
- To the extent allowed by law, to accept any claims, liens, and demands, and to indemnify and hold harmless the LRA and its signatory entities.

The following information must be supplied as part of a completed proposal:

1. A narrative overview of the approach the proposer will take to accomplish this project. This narrative will describe clearly the proposer's approach to this particular project.
2. A discussion of the work plan proposed by the proposer to accomplish each of the tasks described in Section 1 of this RFP. The work plan will be a chronological discussion of the process that the proposer considers necessary to accomplish the task as outlined. The discussion should clarify the team member assignments and specialties, individual roles, and anticipated contribution to the overall effort. Joint ventures and the use of subcontractors are acceptable provided the roles and responsibilities of each person or entity is clearly defined in the submittal. The proposer is free to expand, rearrange, and/or modify the scope of work outlined herein based on its recommendation of the best approach to this assignment.

3. Clear designation of optional or out-of-scope tasks that are deemed necessary by the proposer.
4. An organizational chart that graphically depicts the project management structure, reporting relationships, principal point of contact, and how the team will relate to the LRA. The proposal shall also include a list of key personnel that will make up the proposer's team with corresponding titles and resumes provided along with their responsibilities, qualifications, and percent of time key personnel will be devoted to the project. The LRA reserves the right to approve the team and team members.
5. A schedule graphically depicting deliverables and milestones. The schedule shall also identify the duration of each task. The proposal shall relate all major milestones to specific deliverables listed in Tables 1 and 2 of this RFP.
6. A narrative description of any changes or additions the team would recommend to the scope of work outlined in Section 1 of this RFP that it believes will strengthen the overall project.
7. A list of past completed similar projects and similar projects being performed at the present time, together with a brief description of the projects, the names of employees who worked or are working on the project, and the estimated completion dates of current projects. Upon request the proposing team will provide references from past-completed similar projects.
8. A fee schedule to include all tasks and subtasks, which the proposer proposes within the work plan. The fee schedule shall depict the level of work effort for each task and subtask in total person hours, as well as lump sum cost for each task and subtask. The project lump sum shall be determined as the sum of the fee for each project task. Each task and subtask cost shall include reimbursable expenses associated with that task.
9. An hourly rate schedule for each project team member. Each hourly rate shall include all direct personnel expenses, overhead and profit associates with that employee.
10. A reimbursable expense schedule that depicts allowances, direct costs and mark-up if any. The hourly rate and reimbursable expense schedule will be used to negotiate out of scope tasks, if warranted.

**Withdrawal of Proposals:** Proposals may be withdrawn, by written or telegraphic request received from the proposer, prior to the time fixed for the Public Bid Opening. Negligence on the part of the proposer in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened. The proposal will be irrevocable until such time as the LRA 1) Specifically rejects the proposal or; 2) Awards a contract and said contract is properly executed.

Proposals must be valid for at least one-hundred-twenty (120) days. The proposer agrees to furnish the services as specified to the LRA at the prices and with the warranties/guarantees represented for that period.

**Modifications:** Any proposer may modify their proposal by registered communication at any time prior to the scheduled closing time for receipt of proposals, provided such

communication is received prior to the closing time. The communication should not reveal the proposed price but should provide the addition or subtraction or other modification so that the final price or terms will not be known until the sealed proposal is opened.

**Acceptance or Rejection of Proposals:** The LRA will accept the proposal which, in its estimation, will best serve the interests of the LRA, and reserves the right to award a contract that shall be best for the public good. The LRA reserves the right to accept or reject any or all proposals received as the result of this RFP, to negotiate with all qualified sources, and/or cancel all or part of this RFP at any time. Until such time as a contract is executed with the successful bidder, the LRA may cancel all or any part of this RFP. This RFP does not commit the LRA to pay any costs incurred in the preparation and submission of proposals. Without limiting the generality of the foregoing, any proposal which is late, incomplete, obscure, or irregular may be rejected; any proposal having erasures or corrections in the proposal may be rejected; any proposal accompanied with an insufficient or irregular proposal guarantee may be rejected. Any evidence of collusion between proposers may constitute a cause for rejection of any proposals so affected.

**Interpretations:** No oral interpretations shall be made to any proposer as to the meaning of any of the proposal documents. Every request for an interpretation shall be made in writing and addressed to the LRA Chair. Any and all such interpretations and addenda will be sent to all prospective proposers. Failure of any proposer to receive any such addendum or interpretation shall not relieve such proposer from any obligation under its proposal as submitted. All addenda so issued shall become as much a part of this request for proposal document as if bound herein.

**Nondiscrimination:** The successful proposer agrees that in performing the work called for by this proposal and in securing and supplying materials, proposer will not discriminate against any person on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, national origin, or ancestry unless the reasonable demands of employment are such that they cannot be met by a person with a particular physical or mental handicap.

**Failure to Submit Offer:** If no offer is to be submitted, do not return the RFP. Failure of the recipient to offer, or to notify the issuing office that future solicitations are desired, will not result in removal of the name of such recipient from the mailing list for the type of services covered by this solicitation.

**Taxes:** Taxes, whether State or Federal, shall not be included in proposal prices. The LRA is generally exempted from federal taxes, specifically, but not limited to excise and transportation taxes.

**Employees not to Benefit:** No employee or elected official of the LRA or its signatory entities shall be admitted to any share or part of these proposals or to any benefit that may arise therefrom; but this provision shall not be construed to extend to proposals made by a corporation for its general benefit.

## **9 Protests**

Any protests under this request for proposals shall follow the protest procedures set forth in OAR Division 137-48.

## **10 Oregon Public Contracts**

All contracts with the LRA are governed by Oregon public contract and purchasing law as specified in Oregon Revised Statutes Chapter 279C for Related Services.