

STATE OF OREGON



COVER PAGE

Department of Consumer and Business Services
Division of Financial Regulation

is issuing this Intermediate Procurement, Request for Proposal under

OregonBuys Bid Number S-44000-00007649 for

2024 STATEWIDE OUTREACH SPONSORSHIP PROGRAM

Date of Issue: August 1, 2023

Opening Date: September 22, 2023 at 5:00 PM (PT)

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TABLE OF CONTENTS

SECTION 1: GENERAL INFORMATION..... 3

1.1 INTRODUCTION.....3

1.2 SCHEDULE.....3

1.3 SINGLE POINT OF CONTACT (SPC).....3

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE..... 3

2.1 AUTHORITY AND METHOD.....3

2.2 DEFINITION OF TERMS.....3

2.3 OVERVIEW AND PURPOSE.....4

2.4 SCOPE OF WORK/SPECIFICATIONS.....5

SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION 6

3.1 MINIMUM OFFER REQUIREMENTS.....6

3.2 REACH UNDERSERVED POPULATIONS AND COMMUNITIES.....7

3.3 MINIMUM SUBMISSION REQUIREMENTS.....7

3.4 PROCUREMENT PROCESS.....8

3.5 OFFERS CONTENT REQUIREMENTS10

3.6 EVALUATION PROCESS.....11

3.7 NEXT STEP DETERMINATION14

3.8 Tiebreakers.....14

3.9 RANKING OF OFFERORS15

SECTION 4: AWARD AND NEGOTIATION..... 15

4.1 AWARD NOTIFICATION PROCESS.....15

4.2 SUCCESSFUL OFFEROR SUBMISSION REQUIREMENTS15

4.3 CONTRACT NEGOTIATION16

SECTION 5: ADDITIONAL INFORMATION..... 17

5.1 CERTIFIED FIRM PARTICIPATION17

5.2 GOVERNING LAWS AND REGULATIONS17

5.3 OWNERSHIP/PERMISSION TO USE MATERIALS.....17

5.4 CANCELLATION OF SOLICITATION; REJECTION OF OFFERS; NO DAMAGES.....17

5.5 COST OF SUBMITTING AN OFFER18

SECTION 6: LIST OF ATTACHMENTS 18

- Attachment A - Sample Contract18
- Attachment B - Disclosure Exemption Affidavit.....18
- Attachment C – COBID Certification / Outreach Plan.....18
- Attachment D – Offeror Information And Certification Sheet18
- Attachment E – Offer Submission Form18

SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon, acting by and through the Department of Consumer and Business Services, Division of Financial Regulation, (“Agency”), is issuing this Intermediate Procurement, Request For Proposal (“RFP”) for Statewide Outreach Sponsorship Program. Agency is seeking Offers from organizations that engage in financial empowerment work.

Additional details on the Scope of the Services are included in the Scope of Work, Section 2.4.

Agency anticipates the award of five (5) Contracts in the amount of \$25,000 each from this solicitation. The term of each Contract is one (1) year, beginning January 1, 2024.

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 Information Session – 1 hour	August 24, 2023	11:00 AM
Questions / Requests for Clarification Due	August 25, 2023	2:00 PM
Answers to Questions / Requests for Clarification Issued (approx.)	August 30, 2023	
Bid Opening (offer Due)	September 22, 2023	5:00 PM
Issuance of Notice of Intent to Award (approx.)	November 3, 2023	

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. Agency has authority under ORS 731.216 to solicit and contract for these Services.

Agency is using the Intermediate Procurement solicitation method set forth in ORS 279B.070 and OAR 137-047-0270.

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 137-046-0110.

2.2.2 Project Specific Definitions

- **“Agency”** means the Oregon Department of Consumer and Business Services, Division of Financial Regulation
- **“DCBS”** means the Department of Consumer and Business Services
- **“DFR”** means Division of Financial Regulation
- **“OAR”** means Oregon Administrative Rule
- **“Offer”** means proposals submitted in response to this RFP
- **“Offeror”** means an organization or vendor who submits an Offer to this solicitation.
- **“ORS”** means Oregon Revised Statute
- **“Program”** means Statewide Outreach Sponsorship Program
- **“Reportable Activities”** means activities such as an event, panel discussion, class, workshop, social media post, or other community engagement that is in line with financial empowerment
- **“RFP”** means Request for Proposal
- **“Successful Offeror”** means Offerors selected for a Contract.

2.2.3 Crosswalk of Terms used in OregonBuys

The following solicitation terms are specific for OregonBuys:

- **“Amendment”** means “Addendum” or “Addenda”, as defined in OAR 137-046-0110(1); or any form of notice associated with the solicitation, such as intent to award, cancellation, etc., as set forth in the Amendment.
- **“Bid Opening Date”** means “Closing” as defined in OAR 137-046-0100(5). In OregonBuys it is the deadline for submitting Quotes (Bids, Offers, Proposals, or other required responses) required by a Bid Solicitation.
- **“Bid Solicitation”** means any form of opportunity, solicitation or notice: Request for Proposal, Invitation to Bid, Request for Quote, Request for Information, etc., including notices (sole source notice, intent to participate, etc.). Each Bid Solicitation has a separate page and ID number in OregonBuys.
- **“Quote”** means any form of offer submission by vendors; i.e., Bids, Offers, Proposals, Price Proposals, or any other type of offer required by a Bid Solicitation.
- **“Vendor”** means any form of business entity registered in OregonBuys.
- **“Purchaser”** means the single point of contact for this RFP is identified as the “Purchaser” along with Purchaser’s “Info Contact” (including email address) in OregonBuys.

2.3 OVERVIEW AND PURPOSE

The Department of Consumer and Business Services (“DCBS”) is Oregon’s largest regulatory and consumer protection agency. It administers state laws and rules, protects consumers and workers in the areas of workers’ compensation, occupational safety and health, financial services, insurance and building codes.

The Division of Financial Regulation (“DFR”) is a division of DCBS and oversees the financial and insurance industries in Oregon. It regulates insurance, depository institutions, trust companies, securities and consumer financial products and services. (e.g., mortgage lending, small dollar loans, collection agencies).

Agency works to protect Oregonians’ access to fair products and services through education, regulation and consumer assistance.

Beginning January 2023, Agency implemented an innovative outreach program, the Statewide Outreach Sponsorship Program (“Program”), for organizations engaging in financial empowerment work. Agency provides successful Offerors with promotion and funding with the goal of educating Oregonians to increase their awareness of Agency services and available resources.

Agency anticipates contracting for Program Services for at least two years (2024 & 2025). Agency will issue an RFP for each Program year. Offerors may apply each year, even if previously awarded a contract. Future funding will be based on availability of funds and Program impact.

Program Goals:

- Reaching consumers in underserved communities to gain increased awareness of DFR services and resources.
- Consumers in underserved communities gaining an increased capacity to make good decisions about insurance and financial services products, such as property, casualty, life, annuities, consumer finance, mortgage lending, securities, debt management services, and collection agencies.

This is intended to be a collaborative effort. The Program intent is for consumers to understand DFR’s services of insurance and financial education, consumer advocacy, and insurance market regulation. DFR’s outreach and education team can help financial education providers, teachers, community-based organizations, business associations, local governments, tribal authorities, and event organizers information to help consumers and businesses make well-informed decisions about finances and insurance. DFR has knowledgeable staff members available to provide training, participate on panels, host a table at events, or give presentations to your group, as well as customize topics to meet your needs.

Agency will provide content, advice, relevant publications and technical information to enhance the Successful Offeror’s insurance and financial services curriculum as it pertains to the insurance and financial services DFR regulates. Agency will maintain active social media engagement with the Successful Offeror, including promoting Successful Offeror’s activities and events on DFR social media.

2.4 SCOPE OF WORK/SPECIFICATIONS

Please note that the Submission Form, Attachment E, will be used for scoring your Proposal and if chosen for an award, will be the foundation of what will be written into the contract.

Successful Offerors will support the Agency’s mission in the areas of financial education curriculums, education classes, and sponsored outreach events such as financial empowerment events and resource fairs.

For purposes of this Program, Financial Empowerment is defined as: “The main focus of financial empowerment is to build the skills you need to manage money and learn to choose the financial products and services that work for you. When you’re financially empowered you’re both informed and skilled. You know where to get help with your financial challenges and can access and choose financial products and services that meet your needs. This sense of empowerment builds confidence, helping you effectively use your financial knowledge, skills, and resources to reach your goals.” CFPB: Your Money, Your Goals Toolkit.

Successful Offerors must be willing to partner with Agency’s outreach team with example collaborative activities such as inviting DFR outreach staff to table at events, be a part of information panels, speak in workshops, make DFR brochures or website information available to participants, or promote DFR in social media and other community engagements. Agency anticipates Offerors will have reportable activities each trimester and will invite Agency staff members to participate or partner where appropriate.

Successful Offerors must be willing to discuss their insurance and financial curriculum with DFR staff members to determine opportunities to include beneficial information on the products or services the Agency regulates. The Offeror has full autonomy to decide on any changes suggested to curriculum.

Successful Offerors will be required to use the Agency provided pre and post survey of awareness for classroom or workshop attendees to assist in measuring the impact of the sponsorship program when a DFR staff member is involved. A sample of the draft survey, Appendix A-1 of Attachment A, is included for your review.

Successful Offerors will be required to submit a trimester report of activities to demonstrate work completed over the period. A sample Trimester Activities Report, Appendix A-2, is included for your review.

See Attachment A, Sample Contract for further details.

SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION

3.1 MINIMUM OFFER REQUIREMENTS

To be considered for evaluation, Offeror must demonstrate how Offeror meets all of the following business requirements:

- 3.1.1** Must be located in Oregon.
- 3.1.2** Must currently be conducting financial empowerment work in Oregon.
- 3.1.3** Must be actively serving underserved communities, especially African Americans, Latino, Latina, Latinx people, Native Americans, Asian and Pacific Islanders, other people of color, immigrants and refugees, underserved youth, LGBTQ+ people, survivors of domestic violence, formerly incarcerated people, people with disabilities, and seniors.
- 3.1.4** Must have at least three (3) year of demonstrated experience in conducting financial empowerment work with underserved communities, especially African Americans, Latino, Latina, Latinx people, Native Americans, Asian and Pacific Islanders, other people of color,

immigrants and refugees, underserved youth, LGBTQ+ people, survivors of domestic violence, formerly incarcerated people, people with disabilities, and seniors.

3.1.5 Must have a current evaluation plan for measuring the effectiveness of financial empowerment work.

Note: Preference points will be given to nonprofit entities, public schools, public charter schools and tribal entities currently conducting financial empowerment work in Oregon. See Section 3.6.2.1 for more details.

3.2 REACH UNDERSERVED POPULATIONS AND COMMUNITIES

Agency recognizes that there are certain communities of people who have been traditionally less likely to be reached with information about financial empowerment and the services provided by Agency, and others whose unique circumstances add complexity to the process of engaging in financial empowerment services. Geographic locations and underserved populations and communities will be a determining factor for Agency awarding Contracts.

Agency anticipates the Services provided under the awarded Contracts will provide coverage in different parts of Oregon and not just in the more densely populated areas. Agency will give preference to Offers that demonstrate the Offeror is reaching these underserved populations and communities.

3.3 MINIMUM SUBMISSION REQUIREMENTS

3.3.1 Offer Submissions

To be considered for evaluation, Offer must contain each of the following elements (further detailed in Offer Content Requirements Section 3.5 below):

- Offer Submission Form (Attachment E), and
- Certified Disadvantaged Business Outreach Plan (Attachment C), and
- Offeror Information and Certification sheet (Attachment D), and
- One insurance curriculum lesson plan, if applicable, or
- One financial education lesson plan, if applicable

Note: Disclosure Exemption Affidavit (Attachment B) is required only if any part of Offer is exempt from disclosure under Oregon Public Records Law. See Section 3.5.4 for further details.

3.3.2 Offeror Format and Quantity

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.

3.3.3 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.

3.4 PROCUREMENT PROCESS

3.4.1 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.

In addition, Agency reserves the right to post this RFP on their website, [Division of Financial Regulation](#), under Outreach and education.

3.4.2 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 at frances.j.wilkins@dcb.s.oregon.gov
- Reference the OregonBuys bid number, S-44000-00007649
- 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

3.4.3 Pre-Offer Conference

One virtual pre-Proposal informational session will be held at the date and time listed in Section 1.2, Schedule. Prospective Proposers' participation in this conference is highly encouraged but not mandatory. Agency intends to use Zoom as the platform for the pre-Proposal information session. Proposers do not need a Zoom account to participate.

Agency values transparency, collaboration and fairness. The purpose of the pre-Proposal information sessions is to:

- Provide more in-depth details of the Program;
- Explain the RFP process; and
- Answer any questions Proposers may have related to the Program or the process.

Statements made at the pre-Proposal informational sessions are not binding upon Agency. Proposers may be asked to submit questions in writing.

Registration is not required but is encouraged for the informational sessions. You may register for the session [here](#).

Interested parties may participate in the pre-Proposal informational session on August 24, 2023 at 11 am by clicking [here](#). If the meeting does not launch when you select “launch meeting”, select the option to join from browser.

Agency reserves the right to re-schedule this informational session if necessary. Agency will post the new dates and times on its website.

3.4.4 Offer Submission

Offeror is solely responsible for ensuring its Offer is received by the SPC in accordance with the solicitation requirements before the Bid Opening date and time listed in Section 1.2, Schedule. Agency is not responsible for any delays in email. Offers submitted by any means not authorized may be rejected.

3.4.4.1 Submission Options

An Offer may be submitted electronically through email to: dcbs.opportunity@dcbs.oregon.gov. The size limit for a single email is 10MB. You may submit a Response in one or more parts to ensure proper delivery. You will receive an automated response as receipt of submission.

Email subject line must include “RFP S-44000-00007649 Statewide Outreach Sponsorship Program”

3.4.5 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 137-047-0440. The notice must include the OregonBuys Bid number and be submitted to the SPC.

3.4.6 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.

3.4.7 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 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 contract 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.

3.4.8 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.

3.5 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.

3.5.1 Offer Submission Form (Mandatory, Scored)

Offeror shall complete and submit the Offer Submission Form including required attachments. (Attachment E).

3.5.2 Offeror Information and Certification Sheet (Mandatory, Not Scored)

The Offeror shall complete and submit the Offeror Information and Certification Sheet (Attachment D). The Offeror Information and Certification Sheet must bear the Offeror's authorized representative's Signature.

3.5.3 Certified Disadvantaged Business Outreach Plan (Mandatory, Not Scored)

Offeror shall complete and submit the Certified Disadvantaged Business Outreach Plan (Attachment C). See section 5.1 for further details.

3.5.4 Disclosure Exemption Affidavit (Optional, Not Scored)

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.

3.6 EVALUATION PROCESS

3.6.1 Responsiveness 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 137-047-0470.

3.6.2 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 100% for each evaluation criterion listed below in this section.

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.

3.6.2.1 Preference Points (100 Points)

- 3.6.2.1.1** Is Offeror a nonprofit entity, a public school, a public charter school, or a tribal entity? (100 Points)

3.6.2.2 Financial Empowerment Work (120 Points)

- 3.6.2.2.1** How well did Offeror demonstrate current activities involved as part of Offeror's financial empowerment work? (65 Points)
- 3.6.2.2.2** Did Offeror submit an insurance or financial education lesson plan? (25 Points)
- 3.6.2.2.3** How well did Offeror demonstrate Offeror's evaluation process to determine the effectiveness of Offeror's financial empowerment work? (30 Points)

3.6.2.3 Who Do You Serve? (225 Points)

- 3.6.2.3.1** How well did Offeror describe how many people Offeror's financial empowerment program served per year in 2019, 2020, 2021, and 2022? (35 points)
- 3.6.2.3.2** Based on the Offeror's geographic service area, and the number of Oregonians Offeror served between 2019 and 2022, how would you evaluate the community reach of Offeror's services? (50 Points)
- 3.6.2.3.3** How well did the Offeror demonstrate the demographics of the people served under Offeror's financial empowerment program? (50 Points)
- 3.6.2.3.4** Does Offeror's financial empowerment program have an emphasis on women? (10

Points)

3.6.2.3.5 How well did Offeror demonstrate Offeror’s approach to diversity, equity and inclusion in Offeror’s financial empowerment work? (30 Points)

3.6.2.3.6 Did Offeror demonstrate that Offeror is actively reaching underserved populations and communities? (50 Preference Points)

3.6.2.4 Proposed Program Description (225 Points)

3.6.2.4.1 How well does the Offeror’s described proposal of activities demonstrate a willingness to collaborate with DFR? (85 Points)

3.6.2.4.2 How well did Offeror provide quantifiable indicators of activities and events that will be funded by the Program? (80 Points)

3.6.2.4.3 How well does Offeror’s proposed contract activities and events represent Offeror’s historical financial education and outreach efforts? (50 Points)

3.6.2.4.4 Is Offeror’s staff willing to participate in Agency annual training and participation in consumer roundtable discussions on finance and insurance? (10 Points)

3.6.3 Point and Score Calculations

3.6.3.1 Score Calculations

Scores are the values (0 through 100) assigned by each evaluator.

Evaluation Committee Member’s evaluation (scores) of a Proposal; in light of the criteria described in sections 3.5 and 3.6.2 is based on the following explanations:

Evaluation Rating Scale for each evaluation criteria listed in Section 3.6.2	
Relative Score Scale	EXPLANATION
81 – 100	OUTSTANDING - Response meets all 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.
61 – 80	VERY GOOD – Response demonstrates above average knowledge and ability with no apparent deficiencies noted. Response provides useful information, while showing experience and knowledge within the category.
41 – 60	ADEQUATE – Response meets all requirements in an adequate/average manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Offeror.

21 – 40	FAIR – Offeror meets minimum requirements in a below average manner and does not demonstrate sufficient knowledge of the subject matter.
0 – 20	RESPONSE OF LITTLE TO NO VALUE – An unacceptable response that does not meet some or all the requirements set forth in the RFP. Offeror has not demonstrated knowledge of the subject matter.

3.6.3.2 Point Calculations

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

TOTAL POINTS POSSIBLE: 670		
RFP Section		
3.6.2.1	Preference Points Possible	
3.6.2.1.1	Is Offeror a nonprofit entity, a public school, a public charter school, or a tribal entity?	100
3.6.2.2	Financial Empowerment Work Points Possible	
3.6.2.2.1	How well did Offeror demonstrate current activities involved as part of Offeror’s financial empowerment work?	65
3.6.2.2.2	Did Offeror submit an insurance or financial education lesson plan?	25
3.6.2.2.3	How well did Offeror demonstrate Offeror’s evaluation process to determine the effectiveness of Offeror’s financial empowerment work?	30
3.6.2.3	Who Do You Serve Points Possible	
3.6.2.3.1	How well did Offeror describe how many people Offeror’s financial empowerment program served per year in 2019, 2020, 2021, and 2022?	35
3.6.2.3.2	Based on the Offeror’s geographic service area, and the number of Oregonians Offeror served between 2019 and 2022, how would you evaluate the community reach of Offeror’s services?	50
3.6.2.3.3	How well did the Offeror demonstrate the demographics of the people served under Offeror’s financial empowerment program?	50
3.6.2.3.4	Does Offeror’s financial empowerment program have an emphasis on women?	10
3.6.2.3.5	How well did Offeror demonstrate Offeror’s approach to diversity, equity and inclusion in Offeror’s financial empowerment work?	30
3.6.2.3.6	Did Offeror demonstrate that Offeror is actively reaching underserved populations and communities? (Preference Points)	50
3.6.2.4	Proposed Program Description Points Possible	
3.6.2.4.1	How well does the Offeror’s described proposal of activities demonstrate a willingness to collaborate with DFR?	85

3.6.2.4.2	How well did Offeror provide quantifiable indicators of activities and events that will be funded by the Program?	80
3.6.2.4.3	How well does Offeror's proposed contract activities and events represent Offeror's historical financial education and outreach efforts?	50
3.6.2.4.4	Is Offeror's staff willing to participate in Agency annual training and participation in consumer roundtable discussions on finance and insurance	10

Points are calculated as follows:

Evaluators will evaluate each Proposal and assign a score, 0 – 100 per evaluation criterion as per the rating scale in section 3.6.3.1.

➤ Example:

Offeror A receives an evaluation score of 75 (0 – 100) for a criterion worth 50 points. 75 (score) is multiplied by 50 (points possible) for 38 points out of the possible 50 points (whole numbers only) for that evaluation criterion. This method is used for each evaluation criterion, per evaluator.

The SPC will total the points for each evaluation criterion by Evaluator. The average of all the evaluator's total points will be the Offeror's Points.

➤ Example:

The points possible for one evaluation section of the RFP is 150. There are 3 evaluators. Offeror A receives points of 119, 134 and 137 for an average of 130. Offeror A's Points will be 130 for that section of the RFP evaluation.

3.7 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.

3.8 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 137-046-0300.

3.9 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. 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 OregonBuys Registration Requirement

All vendors must be registered in OregonBuys to do business with the state. Registration is free. To create a vendor account, click the blue "Register" button in the top right corner of the OregonBuys website: <https://oregonbuys.gov/bsa>. For registration assistance see vendor registration guidance.

Vendors are responsible for ensuring that their vendor information is current and correct in OregonBuys. Agency will accept no responsibility for incorrect vendor information.

4.2.2 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 A) prior to offer submission.

4.2.3 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 in 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.

4.2.4 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 A), 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 A). 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:

- Term of the contract
- Descriptions of goods and services

In the event that the parties have not reached mutually agreeable terms within 15 calendar days, Agency may terminate Negotiations and commence Negotiations with the next highest ranking Offeror.

SECTION 5: ADDITIONAL INFORMATION

5.1 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:

<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>

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

5.2 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.

5.3 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).

5.4 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.

5.5 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.

SECTION 6: LIST OF ATTACHMENTS

- Attachment A - Sample Contract
 - Sample Contract includes the following Exhibits:
 - Exhibit A – Sample Statement of Work
 - Appendix A-1 - Sample Pre and Post Survey
 - Appendix A-2 - Trimester Activity Report
 - Exhibit B – Required Insurance
 - Exhibit C – Independent Contractor Certification
- Attachment B - Disclosure Exemption Affidavit
- Attachment C – COBID Certification / Outreach Plan
- Attachment D – Offeror Information And Certification Sheet
- Attachment E – Offer Submission Form

In addition to the provisions set forth and linked within this RFP, this RFP incorporates by this reference the information published or linked on the OregonBuys Bid Solicitation page for this RFP, including but not limited to:

- Details entered in the Header Information section;
- All RFP attachments, “Amendments” (if any), and any other files linked in the File Attachments and Form Attachments subsections; and
- Information, if any, entered in the “Questions” and “Item Information” sections.