



Deschutes Public Library
Request for Proposals (RFP) #21-22/10
Commissioning Services
in Support of
Bond-Funded Construction Projects

Proposal Closing:
2:00 PM, Thursday, December 2, 2021

Submit Proposal Response in a sealed envelope or package
on or before the proposal closing date and time stated above to:

Greg Holcomb, Owner's Representative
Deschutes Public Library
507 NW Wall St.
Bend OR, 97703

Deschutes Public Library

REQUEST FOR PROPOSALS (RFP) FOR COMMISSIONING SERVICES IN SUPPORT OF BOND-FUNDED CONSTRUCTION PROJECTS

Date of Release: Monday, November 15, 2021

On November 3, 2020, Deschutes County voters approved a \$195 million bond measure to construct a new Central Library, and to expand and update existing libraries in the Deschutes Public Library system. DPL is looking to provide Commissioning Services for the Bond Program. The work will be divided into **4 Work Packages** with separate commissioning requirements as indicated in the Bond Program **Master Development Schedule**. With direction from DPL, a single firm will provide Commissioning Services for all of the **Four Work Packages** at the intervals defined therein.

A non-mandatory virtual pre-proposal conference will be held via Zoom on November 18, 2021 at 2:00 PM local time. The pre-proposal conference will be recorded for public record, and will provide an overview of the project and current status, followed by a question-and-answer session.

Login information will be posted at the District website,
<https://www.deschuteslibrary.org/about/bond/>.

Deschutes Public Library (DPL) will accept sealed proposals from firms qualified to provide Commissioning Services. RFP documents may be obtained by such firms on or after December 2, 2021, at the DPL website, <https://www.deschuteslibrary.org/about/bond/> or by contacting:

Greg Holcomb, Owner's Representative
Deschutes Public Library
Email: greg@dechase.com
Office: (541) 312-5291
Mobile: (949) 326-3748

Proposals must be submitted to Mr. Holcomb by 2:00 P.M. local time on Thursday, December 2, 2021, at the DPL Administration Building, 507 NW Wall St., Bend, OR 97703. Late proposals will not be accepted.

Dated this 15th day of November, 2021
By: Greg Holcomb
Owner's Representative
Deschutes Public Library

Published DJC: November 15, 2021
Published Bend Bulletin: November 16, 2021

I. GENERAL INFORMATION

A. INTRODUCTION

Deschutes Public Library District (District) is soliciting proposals from qualified firms and individual professionals to enter into a Commissioning Related Services Contract with the District. Contracted services will include, but are not necessarily limited to the items listed in Article I.D. of this RFP. For Work Packages 1 and 2, the District is seeking a fixed fee total price for each project. For each Work Package 3 and 4, an 80 hour allowance is included to determine the scope for the individual projects therein.

B. BACKGROUND

On November 3, 2020, Deschutes County voters approved a \$195 million bond measure to construct a new Central Library, and to expand and update existing libraries in the Deschutes Public Library system. DPL has retained a single primary Architect team to manage the design, permitting, construction documents, and construction administration for all of the approved bond work, including the hiring of any consultants required to complete the project. The work will be divided into 4 Work Packages to be managed concurrently by the primary Architect team per the attached Master Development Schedule:

1. The Central Library will be constructed on an undeveloped 12-acre parcel at Highway 20 and Robal Road in Bend, Oregon. The planned Central Library will serve all of Deschutes County, including a state-of-the-art learning center for children, flexible gathering spaces for a variety of purposes from business meetings/collaboration to study rooms for students to DIY activities, a technology hub and a performance and art space. It will also house the material handling and administrative components for the entire Library system. Project scope will include site development, coordination with ODOT for new street construction, a bike path, a possible maintenance facility and overflow parking lot with pedestrian access across Robal Road, and a possible café vendor. The Owner's estimated construction budget, including design/estimating contingency and escalation, for this Work Package is \$81,531,900.

2. The Redmond Library will be reinvented in its current downtown location as a vibrant library for growing community needs. The new

library will serve as a primary location for children exploration and discovery in Redmond and will provide expanded programming and classes in flexible and multi-use spaces for all ages. Project scope will include the demolition of the current facility built in 1929, site development for connection to existing downtown infrastructure, and a possible café vendor. The Owner's estimated construction budget, including design/estimating contingency and escalation, for this Work Package is \$ 34,240,600.

3. The Downtown Bend Library will be renovated to recapture staff space for public uses, increase choice and capacity for individual and group seating and work, revitalize the children's library for improved early learning and discovery, and address core, shell, MEP and site maintenance needs. The Owner's estimated construction budget, including design/estimating contingency and escalation, for this Work Package is \$ 14,796,000.
4. Branch Renovations at La Pine, Sisters, East Bend, and Sunriver will expand visibility and orientation from lobby, enhance browsability, and increase the variety of studying, meeting, and creative collaboration spaces. Technology and system upgrades will be considered as funds are available. The Owner's estimated construction budget, including design/estimating contingency and escalation, for this Work Package is \$ 6,796,000.

Awardees must be prepared to work with District project teams consisting of the Consultant, Owner representatives, architectural team, and construction manager/general contractors to perform the work. Teamwork will be of particular importance to complete individual projects on schedule and within budget. Proposers should also be familiar with Oregon Prevailing Wage Rate laws wage requirements and associated rules and regulations.

C. ANTICIPATED SELECTION SCHEDULE

District anticipates the following general timeline for its selection process. District reserves the right to change this schedule.

- | | |
|---------------------------------|-----------------------------|
| • RFP Advertised | November 15, 2021 |
| • Prebid Meeting | November 18, 2021 @ 2:00 PM |
| • Final Questions Due | November 22, 2021 @ 3:00 PM |
| • Final Addendum (if needed) | November 24, 2021 |
| • Proposal Due Date | December 2, 2021 @ 2:00 PM |
| • Finalist Interviews | December 9 or 10, 2021 |
| • Notice of Intent to Negotiate | December 23, 2021 |

- Contract Approvals January 12, 2022
- Commencement of Contracts January 13, 2022

D. SCOPE OF SERVICES

The following statement of work describes the services Proposers will be asked to provide to District. District will compensate Consultant for the following outlined services based on the awarded contract, which shall include hourly rates and a fee schedule.

The scope of services for the Commissioning Services Contract may include, but is not limited, to:

- The systematic process of verifying and documenting that District project facilities and all of those systems and assemblies are planned, designed, installed, tested, operated and maintained to District project requirements.

D .01 Objectives.

The objective of the commissioning process is to ensure all building systems perform optimally, according to their design intent and the building owner's requirements. See Appendix 4 Concept Document Report 10-01-21 for project details.

Commissioning services are to be provided in six (6) phases: Schematic design, Design Development, Construction Documents, Construction, Acceptance, and Post-acceptance.

1. During the **Schematic design phase**, the commissioning agency shall carry out the following scope of work:
 - Provide input to the Owner's requirements for the Building Systems.
 - Review the schematic design documents (drawings, specifications and energy models) as they are prepared to ensure inclusion of material covering the contractor's responsibilities for commissioning; provide comments and suggestions for designer consideration.
 - Prepare the pre-design commissioning outline.

2. During the **Design Development phase** the commissioning agency shall carry out the following scope of work:
 - Review the design development documents (drawings, specifications and energy models) as they are prepared to ensure inclusion of material covering the

contractor's responsibilities for commissioning; provide comments and suggestions for designer consideration.

- Prepare the design-phase commissioning plan.
3. During the **Construction Document phase** the commissioning agency shall carry out the following scope of work:
- Review the construction documents (drawings, specifications and energy models) as they are prepared to ensure inclusion of material covering the contractor's responsibilities for commissioning; provide comments and suggestions for designer consideration.
 - Prepare the Final Construction Document -phase commissioning plan
4. During the **Construction Phase** the commissioning agency shall carry out the following scope of work:
- Organize and lead the commissioning team.
 - Review shop drawings and equipment submittals for information affecting the commissioning process.
 - Update the commissioning plan to reflect equipment and controls data from the submittals, and provide commissioning schedule information that the contractor can integrate into the project schedule.
 - Schedule and lead commissioning meetings.
 - Establish and maintain a system for tracking issues needing resolution.
 - Review the project schedule periodically to ensure commissioning activities are properly incorporated; provide feedback to the Contractor as needed.
 - Perform on-site observations during construction.
 - Monitor correct component and equipment installation; including controls point-to-point checkouts. Document all observations.
 - Witness equipment and system start-ups as deemed necessary. Ensure complete documentation of same.
 - Other related work.
5. During the **Acceptance Phase** the commissioning agency shall carry out the following scope of work:
- Review and inspect, on a sample basis, the testing, adjusting and balancing work that has been carried out by another agency.

- Conduct functional performance testing of sub-systems, systems, and interactions between systems, leading to acceptance of the completed work. Document results of all tests witnessed.
 - Organize and direct the training of O & M personnel.
 - Confirm videotaping of O&M staff training sessions.
6. During the **Post-acceptance phase** the commissioning agency shall carry out the following scope of work:
- Conduct functional performance testing of sub-systems, systems, and interactions between systems that could not be carried out prior to acceptance due to unsuitable weather conditions.
 - Prepare and submit a final commissioning report.
 - Provide follow-up for quality performance during the guarantee period.

D .021 General Scope.

1. Ensure applicable equipment, systems, and components are properly installed, checked out, started up, calibrated, operationally tested (statically and dynamically), adjusted and balanced, and functionally tested according to manufacturer's recommendations, industry accepted standards, and the contract documents prior to initiating operation and maintenance training.
2. Ensure operations and maintenance manuals, system manuals, as constructed drawings, and other required documentation are developed, updated, and submitted in accordance with the design intent and the contract documents.
3. Ensure Owner operations and maintenance personnel are adequately trained prior to substantial completion of work to provide routine operation and maintenance.
4. In general, systems, equipment and components, and interfaces among systems specified
5. The following divisions shall be commissioned:
 - a: Heating, Ventilating, and Air-Conditioning (HVAC)
 - b: Electrical Systems
 - c: Fire Life Safety Systems
 - d: Plumbing

D .03 Specific Scope.

Below are the systems, equipment and components, and interfaces anticipated for commissioning services.

1. Domestic water heating and distribution systems
2. Domestic water treatment
3. Electrical power distribution systems
4. Telephone and intercommunications systems
5. Security and intrusion detection systems
6. Medium Voltage Circuit Breaker Switchgear
7. Secondary Unit Substations
8. Secondary Power Distribution
9. Generator, ATS and ATS control wiring
10. Electrical Power Monitoring and Control
11. Grounding System
12. Fire Alarm System (possibly combine with Fire Life Safety Devices)
13. Lighting Control System (possibly combine with Lighting)
14. Fire Suppression System
15. Building Automation System
16. Air handling units

D .04 Deliverables.

1. Create commissioning plan, pre-operational checkout, startup and operational test form.
2. Coordinate with involved subcontractors, Owner, Owner's Representative, Architectural team, CMGC, subconsultants, and building facilities staff for overall process in kickoff meeting.
3. Track overall progress in Project Commissioning Progress and Turnover Status Reports.
4. Coordinate completion of pre-operational checkout, startup and operational test form including manufacturer startup reports, testing adjusting and balancing (TAB) reporting, and point to point checkout.
5. Maintain and resolve Issues Log per specifications:
 - a. ID number, date, identifying party, and description of the system equipment component affected.
 - b. Description of issue, including cause.

- c. Implications of the issue, recommendations for correction and assignment of responsibility for correction.
 - d. Issue closure date.
 - e. Name of party verifying the correction.
6. Create and track Operation and Maintenance Training agendas and confirm trainings are run by factory-trained field engineers or technicians.

II. PROPOSAL INSTRUCTIONS

A. PROPOSAL SUBMITTAL AND DUE DATE

Proposers shall provide one original and three hard copies plus one electronic version (.pdf format) of proposer's proposal in a sealed envelope clearly marked: "Confidential: Deschutes Public Library District Commissioning Services Proposal."

Proposals shall be submitted by 2:00 PM on December 2, 2021 to:

Greg Holcomb, Owner's Representative
Deschutes Public Library District
507 NW Wall Street
Bend, OR 97703

Proposals shall be organized as specified in Article II.E, Proposal Contents. District assumes no responsibility for delayed or undelivered mail or express packages. Proposals which are not delivered by the above specified time and date will not be considered. Faxed or electronically transmitted proposals will be rejected as non-responsive.

B. INQUIRIES

Questions concerning this RFP should be submitted to:

Greg Holcomb, Owner's Representative
Deschutes Public Library
Office: (541) 312-5291
Mobile: (949) 326-3748
Email: Greg@deChase.com

C. RESERVATION OF RIGHTS

District reserves the right to: 1) seek clarifications of each proposal; 2) negotiate a final contract that is in the best interest of the District and the public; 3) reject any or all

proposals; 4) postpone or cancel this RFP at any time if doing so would be in the public interest, as determined by District in its sole discretion; 5) award a contract to one or more proposer(s) based on the evaluation criteria set forth in this RFP; 6) waive minor informalities contained in this RFP or any proposal, when, in District's sole judgment, it is in the District's best interest to do so; 7) request any additional information District deems reasonably necessary to allow District to evaluate, rank and select the most qualified proposer to perform the services described in this RFP, and 8) reject any proposal from a proposer that, if awarded the contract, would be in violation of ORS 279B.307.

D. PROTESTS

Proposers are directed to the solicitation and award protest procedures contained in District's Public Contracting Rule 137-047-0730 and 137-047-0740.

E. GENERAL SUBMITTAL REQUIREMENTS

Proposals shall be limited to no more than 20 single sided pages, not including covers, divider pages, or resumes. Proposals should be prepared in generally the following format and shall include, at a minimum, the following items:

1. **Number and Form:** One original (wet signed), three (3) hard copies and one (1) electronic copy of the proposal must be submitted. The submittals shall be tabulated in separate sections and labeled to match the requirements of section 7 below. All materials, except potentially for charts, shall be in 8-1/2" x 11", portrait style format. Files are to be submitted on USB "flash" drive, which will become the property of DPL. It is the responsibility of the respondent to ensure that the documents are readable and not corrupt or otherwise inaccessible. Any submission with inaccessible documents may, at DPL's sole discretion, be deemed nonresponsive, or DPL may take whatever alternative action it deems appropriate. The hard-copy responses are not to exceed 20 pages in length, single sided. Transmittal letter, one page cover, section dividers, résumés, one-page table of contents, and the **Certification and Contract Offer** form are not included in the 20-page limit.
2. **Proposer Certification Form:** A Proposer Certification form is included as the last page of this RFP as **Appendix 1. This form must be filled out and included as part of the proposal.**
3. **Appendix 2 Pricing Form:** **This form must be filled out and included as part of the proposal.**
4. **Procurement Reservations:** All costs of the proposal process, interview, contract negotiation, and related expenses, are solely the responsibility of the proposer, and DPL is not responsible for any proposer costs associated with the RFP. DPL reserves the right to reject any or all proposals, or to modify or cancel this solicitation if determined at DPL's sole discretion it is in the public interest to do so. Execution of a contract is subject to the availability of funds.

5. DPL reserves the right to reject any proposal that is non-responsive to the requirements of this solicitation. Any change to the proposal, or proposed team, after the due date for submission of proposals, is grounds for being declared non-responsive. Notwithstanding the above, DPL, at its sole discretion, reserves the right to request modifications to proposals that are in the best interest of DPL.
6. DPL, at its sole discretion, reserves the right to waive minor irregularities, or non-substantive changes, during the proposal process.
7. DPL reserves the right to seek clarifications of each proposal.
8. DPL reserves the right to waive minor informalities contained in any proposal, when, in DPL's sole judgment, it is in the DPL's best interest to do so.
9. DPL reserves the right to request any additional information DPL deems reasonably necessary to allow DPL to evaluate, rank and select the most qualified proposer to perform the services described in this RFP
10. DPL reserves the right to negotiate a final Contract that is in the best interest of the Agency.
11. DPL reserves the right to determine the finalists selected for interviews.

F. SPECIFIC SUBMITTAL REQUIREMENTS

1. **Staffing Qualifications (15 Points).** Provide a project organizational chart showing your proposed staff for this job and the role each will perform. Include resumes for all personnel listed in the chart. If subconsultants are utilized in commissioning services include them in your staffing plan and their qualifications. Provide an explanation of proposer's workload capacity and level of experience commensurate with the level of service required by District.
2. **Specialized Experience (20 Points).** Describe your firm's general approach for commissioning services at the intervals of design preparation as identified in the Master Development Schedule and Contract. Describe your firm's abilities relative to energy modeling and third-party peer review for design efficiency. Indicate your firm's experience writing specifications for project commissioning. Provide 3 sample projects for reference consistent with the size, scope and complexity of construction projects identified in this request, specifically including work for any agency of similar size. Indicate past experience of proposer and project team members with relevant county, state, and federal regulatory and funding agencies. Provide a list of at least three references from clients of similar size for whom similar services have recently been provided. (For all references, please include names, phone numbers, email addresses, and description of work performed.)
3. **Schedule (10 points).** Provide confirmation of ability to commit to the schedule and durations indicated in the **Appendix #5 Master Development Schedule**. Provide examples of ability to work with Owner and CM/GC to develop commissioning schedules to be incorporated into the construction schedule.

4. **Central Oregon Experience (15 Points).** Indicate Familiarity with District locale, market, building conditions and local codes and regulations. Provide a discussion of proposer's use of local resources and community involvement, including knowledge about the conditions in Deschutes County, and local codes and regulations specific to Deschutes County. Indicate local availability to address on site needs as required within 24 hours of notification.
5. **Energy Efficiency and Sustainability (15 Points).** Provide a description of proposer's practices and experience with the evaluation of energy models, MEP system designs for efficiency, and environmentally sustainable, "green" construction practices and techniques. Provide examples of how proposer has added value to a project through its participation in energy model evaluation and green building and sustainable design strategies.
6. **Price (25 Points).** Provide cost proposal to provide commissioning services for the Bond Program and Four Work Packages as defined in the Master Development Schedule and Contract. Provide all cost breakdowns, hourly labor rates and cost information as required by the **Appendix #3 Contract Form** and **Appendix #2 Pricing Form**.
7. **Finalist Interview (30 Points).** The format and the scoring criteria for the interviews will be provided with the notification of interview. Assume, unless notified differently, that the interviews will be approximately 1 ½ hour and will include an opportunity for a presentation as well as a question-and answer period. Interviews may include other follow up information required to demonstrate that the proposer can perform at the level required for the work outlined in this RFP.

G. PUBLIC RECORDS

All proposals submitted are the property of District, thus subject to disclosure pursuant to the public records law, as qualified by ORS 279 B.060(6). Accordingly, while a list identifying proposers will be available upon request, proposals received and opened shall not be available for public inspection until after District has issued the notice of intent to award this Commissioning Services Contract. Thereafter, except for information marked "Proprietary," all documents received by District shall be available for public disclosure. District will attempt to maintain the confidentiality of materials marked "Proprietary" to the extent permitted under the Oregon Public Records law.

H. COSTS

Proposers responding to this RFP do so solely at their own expense.

I. ADDENDUM TO THE REQUEST FOR PROPOSALS.

In the event it becomes necessary to revise any part of this RFP prior to closing, District will not mail notice of Addenda, but will publish notice of any Addenda on District's web site. Addenda may be downloaded off the District's web site. Proposers should frequently check the District's web site until Closing, i.e., at least once weekly until the week of Closing and at least once daily the week of the Closing. Except to the extent required by a countervailing public interest, the District shall not issue Addenda less than 72 hours before the Closing, unless the Addendum also extends the Closing

III. PROPOSAL EVALUATION

A. MINIMUM QUALIFICATIONS

District will review proposals received to determine whether or not each proposer meets the following minimum qualifications:

- Professional Engineer on staff licensed to work in the State of Oregon.
- Ability to provide the design and engineering work to local, state and federal standards, as required by the scope of services.
- Has the financial resources for the performance of the desired Commissioning services, or the ability to obtain such resources.
- An Equal Opportunity Employer and otherwise qualified by law to enter into the attached Commissioning Related Services Contract.

B. EVALUATION CRITERIA

Proposals meeting the above minimum qualifications will be evaluated by the District using the following criteria:

	Maximum Points
II F.1 Staffing Qualifications	(15)
II F.2 Specialized Experience	(20)
II F.3 Schedule	(10)
II F.4 Central Oregon Experience	(15)
II F.5 Energy Efficiency and Sustainability	(15)
II F.6 Price	(25)
Maximum Total Points Prior to interview	100
II F.7 Finalist Interview(s)	(30)

C. SELECTION

The evaluation committee will consist of four members. Each member shall complete an evaluation sheet ranking each qualified proposer against the weighted criteria set forth in Article III.F of this RFP. Completed evaluations shall be combined and tallied. District reserves the right to interview one or more of the highest ranked candidates by telephone or in person. Upon completion of its evaluation process, the evaluation committee may either recommend a firm with which to enter into a related services contract [or it may recommend up to three (3) firms to be interviewed].

If District does not cancel the RFP after receipt of the evaluation committee's scoring results and recommendation, District will begin negotiating a contract with the highest-ranking candidate. District shall direct negotiations toward obtaining written contract on the Consultant's performance obligations, a payment methodology that is fair and reasonable to District that reflects a candidate's best and final offer, and any other provisions District believes to be in District's best interest to negotiate.

If District and one or more of the selected candidates are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to District, District shall, either orally or in writing, formally terminate negotiations with one or more of the selected candidates. District may then negotiate with the next most qualified candidate. The negotiation process may continue in this manner through successive candidates until a contract is reached or District terminates this RFP.

It is the desire of District to have contract in place no later than January 13, 2022.

D. CONTRACT

District desires to enter into a Commissioning Service Contract with the chosen awardee in the form attached as **Appendix 3**, which includes all services necessary for this position, whether or not the services are specifically outlined in this RFP.

The selected proposer will be expected to sign the attached written contract, which will incorporate this RFP and awardee's proposal. Submittal of a proposal indicates a proposer's agreement with and intent to be bound by the terms of the attached contract. Any open terms in the attached contract will be completed, based upon awardee's proposal. Negotiations shall be limited to cost and any other terms District chooses to negotiate, in District's sole discretion.

District anticipates payment for services on a percentage complete basis of the individual tasks listed in the scope of work. However, District will also consider

alternative proposals. District reserves the right to negotiate a compensation package that is fair and reasonable to District, as determined solely by District.

It is anticipated that District will enter into the attached contract for the term of the projects with individual assignments authorized by written change orders.

The contract requires that awardee will comply with all applicable federal and state laws, rules and regulations.

E. INSURANCE REQUIREMENTS

Insurance requirements are noted in Section C.7 of **Appendix 3 - Commissioning Services Contract**.

IV. ATTACHMENTS

Appendix 1: Proposer Certification Form

Appendix 2: Pricing Form

Appendix 3: Commissioning Services Contract

Appendix 4: Concept Document Report 10-01-21

Appendix 5: Master Development Schedule dated 11-10-21

Reference documents available at Deschutes Public Library (DPL) Website:

- DPL Administrative Rules
- DPL CMGC Exemption Findings
- DPL Public Contracting Rules 2020
- DPL Master Development Schedule 11-10-21
- DPL Concept Design Report Summary 10-20-21
- DPL Concept Document Report 10-01-21

**Deschutes Public Library District is an
Equal Opportunity/Affirmative Action Employer**

**Women, Minorities and Disabled Persons are encouraged to
apply**

THIS SOLICITATION IS NOT AN IMPLIED CONTRACT AND MAY BE
MODIFIED OR REVOKED WITHOUT NOTICE.

APPENDIX 1: PROPOSER CERTIFICATION FORM

(Contractor/Proposer Name)

The Proposer, by and through the undersigned, its authorized representative, acknowledges, represents, attests, warrants and certifies that:

1. Proposer has read and understands, and agrees to be bound by and comply with all RFP instructions, terms and conditions, together with all Addenda, if any, issued.
2. Proposer has read and understands, and agrees to be bound by and comply with the terms of all Contract Documents identified, included, or incorporated by reference into the RFP.
3. Proposer has, or will have, the equipment, personnel, materials, facilities and technical and financial ability necessary to complete the Work in accordance with the Contract documents within the time specified in the **Master Development Schedule**. Proposer agrees to the schedule milestones and durations indicated therein.
4. The Proposal was prepared independently from all other Proposers, and without collusion, fraud, or other dishonesty.
5. Neither the Proposer, nor anyone representing the Proposer, offered or gave any advantage, gratuity, bonus, discount, bribe or loan of any sort to District or its agents, employees, or anyone representing District, or engaged in any other type of anti-competitive conduct at any time in conjunction with this RFP.
6. Proposer has not and will not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, woman or emerging small business enterprise certified under ORS 200.055, or against a business enterprise that is owned or controlled by, or that employs a disabled veteran as defined in ORS 408.225.
7. If awarded the Contract, Proposer shall utilize in performance of the Contract all resources indicated in its Proposal, including Key Personnel, to the extent within Proposer's control and Proposer's best efforts.
8. Proposer has the power and authority to enter into and perform the Contract to be awarded, and the Contract, when executed and delivered, shall be a valid and binding obligation enforceable according to its terms.
9. District has the right to modify the Contract prior to execution to (a) correct typographical errors, (b) reconcile inconsistencies within and among the Contract Documents, (c) conform terminology used throughout the Contract Documents, (d) include omitted terms clearly contemplated by the language in the Contract Documents, (e) add terms required under State or federal Law, and (f) incorporate those portions of the Project Proposal and Price, modified, if so, by such negotiations as may be authorized under applicable statutes and rules.
10. Proposer has complied or will comply with all requirements of local, state, and national laws, and that no legal requirement has been or will be violated in making or accepting this proposal
11. Proposer has not and will not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, woman or emerging small business

enterprise certified under ORS 200.055, or against a business enterprise that is owned or controlled by, or that employees a disabled veteran as defined in ORS 408.225.

12. Proposer will execute the formal Contract within a reasonable time; and in the case the undersigned fails or neglects to appear within a reasonable time to execute the Contract the undersigned is considered having abandoned the Contract by District.
13. Proposer agrees to comply with the provisions of Prevailing Wage Laws ORS 279C.840. The Proposer to comply with Oregon tax laws in accordance with ORS 305.385. "Contractor agrees to be bound and will comply with the provisions of ORS 279C.840 or the Davis-Bacon Act 40 U.S.C. § 3141, *et seq.*"
14. The Proposer, pursuant to ORS 279A.120 (1), (circle one) is/is not a resident Proposer. If not, indicate State of residency_____.

I have received the following addenda, as initialed below:

Addendum 1	Date received	_____
Addendum 2	Date received	_____
Addendum 3	Date received	_____

Respectfully submitted: _____(Date)

By:

(Name)

(Signature)

(Title)

(Email)

(Physical address)

(City, State, Zip)

This RFP will result in a Contract for a Public Work subject to ORS 279C.800 to 279C.870. Any proposal of a contractor or subcontractor listed on BOLI's List of Ineligibles will be rejected.