

**COVER PAGE**

**Oregon Albacore Commission (OAC)**

**MARKETING/PROMOTION/EDUCATION SERVICES**

Request for Proposal (RFP)

**ALBACORE PROPOSAL NUMBER 972-2021-22M**

Date of Issue: Monday, January 3, 2022

Closing Date and Time: Friday, February 4, 2022 by 5:00pm PST

Single Point of Contact (SPC): Nancy Fitzpatrick, Executive Director  
Oregon Albacore Commission

Send Proposals to: Nancy Fitzpatrick, Executive Director  
Oregon Albacore Commission  
Address: P.O. Box 983  
City, State, Zip Lincoln City, OR 97367  
Phone (voice) 541-994-2647  
Phone (fax) 541-994-2647  
E-mail: [nancy@oregonsalmon.org](mailto:nancy@oregonsalmon.org) (For questions only; not for submitting proposals)

If mailed through carrier other than USPS, please mail to:  
1501 SE East Devils Lake Road #983  
Lincoln City, OR 97367

Proposal requirements, format and delivery details are in Sections 3, 4, and 5.

The State of Oregon promotes equal opportunity for all individuals without regard to age, color, disability, marital status, national origin, race, religion or creed, sex or gender, sexual orientation, or veteran status.

## SECTION 1: GENERAL INFORMATION

### 1.1 INTRODUCTION

The Oregon Albacore Commission (OAC) or Commission is issuing this Request for a Proposal (RFP) for Marketing/Promotion/Education services to be provided from July 1, 2022 to June 30, 2023. The Commission will begin the contract June 1, 2022 for purposes of transition and on-boarding.

Commission's intent for this RFP is to award a Personal Services Contract. Additional details on the Scope of the goods or services or both are included in the Scope of Work/Specifications section below.

The Commission must approve all contracts, including the Marketing/Promotion/Education services contract, annually.

The Commission will award a contract for Marketing/Promotion/Education services.

### 1.2 BACKGROUND

#### Oregon Albacore Commission (OAC)

The OAC is a state commodity commission created under ORS 576.062 and represents over 350 commercial ocean albacore fishermen/women (producers) and about 65 first purchasers in the state of Oregon. The Commission is directed by a board comprised of five producers (fishermen/women), three handlers (first purchasers), and a public member who are all appointed by the Director of the Oregon Department of Agriculture (ODA). Committed to improving the industry, the Commissioners are volunteers; they have full-time jobs in Oregon's commercial fishing industries.

The OAC meets an average of four times a fiscal year (July through June). In addition to meetings of the full commission, the OAC has several committees including executive, promotion, regulatory, and budget.

As an Oregon commodity commission, the OAC is authorized under Oregon Revised Statute (ORS) 576.325 to collect a mandatory assessment on Ocean Commercial Albacore Tuna landed in Oregon. The assessment rate of 1% of the landed value is divided equally between the producers and the first purchasers who deduct .5% from the producer, then send the assessments (.5% producer, .5% first purchaser) monthly to the Oregon Salmon Commission office. (The Salmon Commission is providing administrative services to the OAC until June 30, 2022, when the administrator will retire.)

The OAC website is [www.oregonalbacore.org](http://www.oregonalbacore.org)

In addition to the mandatory assessments, commodity commissions are permitted to receive funds from other sources, such as grants for special projects.

All commodity commissions are public agencies established by the Oregon legislature. All commodity commissions comply with Oregon's public meeting and public records law, ORS chapter 192; Oregon government ethics law, ORS chapter 244; and other

applicable state laws, rules and required financial reporting. All commodity commissions adopt budgets each year in a public hearing process set forth in ORS 576.416, and are subject to audit; see OAR Chapter 603, Division 42.

The Director of the Oregon Department of Agriculture (ODA) appoints all commissioners, who must meet qualifications set in ORS 576.225 and Albacore OAR Chapter 972, Division 30. Oregon State University (OSU), the Oregon Department of Agriculture (ODA), and the Oregon Department of Fish & Wildlife (ODFW) are represented on the Commissions by ex-officio non-voting members, designated by the OSU Dean and the ODA and ODFW Directors, respectively. The ODA Commodity Commission Oversight Program (pursuant to ORS 576.066) reviews the Commission's annual operational plan, all contracts and other agreements, and provides resources and technical advice.

### **1.3 AUTHORITY AND METHOD**

The Commission is authorized to enter into a contract for personal services pursuant to ORS 576.304(4) and ORS 576.306(1), consistent with Oregon Administrative Rule (OAR) chapter 122, division 50 and OAR chapter 603, division 42, as applicable. All contracts are reviewed by the ODA pursuant to ORS 576.306(9) and OAR 603-042-0010(10), and, depending on the anticipated amount of the procurement, the contracts must be approved by the Oregon Department of Justice (DOJ), prior to execution.

A commodity commission is authorized pursuant to ORS 576.306 to contract with an independent contractor for Marketing/Promotion/Education services but may not contract to perform the discretionary functions of the commission. Discretionary functions do not include collecting assessments, scheduling meetings, processing payments or other administrative duties assigned by the commission.

Commodity commission contractors are independent contractors and not employees, eligible employees, public employees or employees of the state for purposes of Oregon law. A contractor may not be considered a public official, public officer, state officer or executive official for purposes of Oregon law.

## 1.4 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 RFP.

Event	Date	Time/Location
Pre-Proposal Conference	Tuesday, January 11, 2022	2:30 PM Zoom video conferencing; the meeting link is below and will be posted on oregonalbacore.org
Questions / Requests for Clarification Due to SPC	Tuesday, January 18, 2022	Due by 4:00 PM to SPC via email to nancy@oregonsalmon.org
Answers to Questions / Requests for Clarification	Friday, January 21, 2022	Posted by 1:00 PM on oregonalbacore.org
Closing (Proposal Due) to SPC	Friday, February 4, 2022	Delivery no later than 5:00 PM
Interviews	March 1, 2022	Via Zoom video conferencing. Successful proposers will be notified of their interview time in advance by February 22.
Issuance of Notice of Intent to Award (approximate date)	No later than Friday, March 18, 2022	Phone and email to highest scoring proposer. Notice via email to all but highest scoring.

Pre-Proposal Conference Zoom Meeting Link:

<https://us02web.zoom.us/j/87429030008?pwd=TDRrOFZFbi9xREhpeGxXNkZZZ05CQT09>

Phone: 253-215-8782

Meeting ID: 874 2903 0008

Passcode: 821454

## SECTION 2: SCOPE OF WORK

### 2.1 SCOPE OF WORK/SPECIFICATIONS

The Commission needs a services contractor to carry out the Marketing/Promotion/Education programs of the Commission. The OAC commissioners are public officials volunteering their time to the industry. Each commissioner has a full-time job in addition to their Commission duties. The producer commissioners are fishermen/women, the handler commissioners work for a processor that is a first purchaser of albacore, and the public member is interested in the positive economic development of the industries.

The Marketing/Promotion/Education services contractor carries out the policies, procedures and directives previously approved by the Commission during a public meeting. The Chairperson of the Commission administers the contract between the

## **OAC RFP for Marketing/Promotion/Education Services**

Commission and the Marketing/Promotion/Education services contractor. The contractor will also need to coordinate with the administrative services contractor. The contractor frequently consults with the Commission chairperson, vice chairperson, secretary/treasurer and the Commission's Administrative Services contractor; and less frequently with the ODA Commodity Commission Oversight Program manager. The contractor may also consult with the ODA Agricultural Development and Marketing Program staff.

The contractor's performance is evaluated by the commission on an annual basis. The Commission must approve the contract on an annual basis.

ORS 576.304 authorizes all commodity commissions to collect mandatory assessments. During OAC public meetings, the commissioners discuss and approve motions to direct funds toward promotion, education, communication, research and administrative costs.

The Commission's needs for Marketing/Promotion/Education services include:

### **2.1.1 Office Facility & Equipment**

- a. Providing the office equipment, computer and compatible software, data back-up system, and personnel the Commission considers necessary;
- b. Providing office space for Commissions' records (approximately 4 bankers' boxes);
- c. Since this position will not be handling funds, no bond is necessary;
- d. Paying, and holding the Commission harmless from, all of the contractor's normal operational expenses, including but not limited to salaries, rents, utilities, taxes and fees (such as income, employment, license or others) and other similar expenses;
- e. Maintaining compliance with all governmental (local, state, or federal) laws and rules applicable to the operation of contractor's business.

### **2.1.2 Communications**

- a. If approved in advance by Commission, traveling to assist Commission to fulfill its marketing, promotional, or educational purposes. Contractor will submit request for reimbursement of allowable travel expenses in accordance with Exhibit A, the Sample Administrative Services contract, Section 3 and Section II;
- b. Maintaining and updating the OAC website sections: Buy, Prepare, Education, About Us (Meet the Fishermen). The administrator will update the website sections: Fishermen News, Commercial Sales, About Us (except Meet the Fishermen);
- c. Ensuring that the annual Operational Plan required by OAR 603-042-0015 is completed, provided to the OAC for approval, then submitted to the ODA.

### **2.1.3 Time Management**

- a. Managing time commitments by balancing priorities and multiple deadlines;
- b. Delivering work elements within specific deadlines;
- c. Completing tasks with minimal oversight.

#### **2.1.4 Interpersonal Skills & Regulatory Compliance Experience**

- a. Establishing and maintaining communications and good working relationships with all Commission's commissioners;
- b. To the extent that the Commission elects, collaborating with other state commodity commissions.
- c. Complying with rules, regulations, bylaws, policies and/or procedures.

#### **2.1.5 Marketing/Promotion/Education Experience**

- a. Developing and implementing commissioner-approved marketing plans to promote the sale, use, and consumption of Oregon Albacore Tuna regionally and nationally;
  - i. Planning and executing targeted promotions. Contractor must obtain prior approval from Commission for promotional activities;
  - ii. Planning and executing trade show presentations. Contractor must obtain prior approval from Commission for participation in trade shows and the message presented;
- b. Preparing and fully executing RFPs for marketing-related projects over \$10,000;
- c. Social Media - Monitoring and responding (in consultation with the OAC administrator, commissioners, and others as needed) to issues relevant to our fisheries, engagement, and to maintain an active and robust social media presence;
- d. Creating and maintaining working relationships with chefs and food professionals, restaurant industry, seafood retailers, and others, as well as communicating with various audiences and building relationships with influencers;
- e. Distributing of point-of-sale materials;
- f. Writing a minimum of one quarterly press release about the Marketing/Promotion/Education activities;
- g. Maintaining awareness of possible grant opportunities and writing grant applications as authorized by commissioners.

### **2.2 ADDITIONAL INFORMATION RELATED TO THE WORK**

- 2.2.1 The successful submitted proposal will be incorporated into a final contract between the Commission and the successful Proposer, which will include the terms and conditions as set forth in the attached Sample Contracts (Exhibit A).
- 2.2.2 The current OAC Executive Director is retiring June 30, 2022. In addition to her administrative duties, she manages and executes the OAC's marketing and promotion projects.

## **SECTION 3: PROCUREMENT REQUIREMENTS**

### **3.1 MINIMUM QUALIFICATIONS**

- 1. Proven success in developing and implementing cost-effective marketing plans to promote the sale, use, and consumption of a product or a commodity.
- 2. Experience in planning and executing targeted promotions.
- 3. Experience in successfully maintaining an active social media presence.

## **OAC RFP for Marketing/Promotion/Education Services**

4. Excellent written and verbal communication skills especially public speaking.
5. Proven success in prioritizing multiple time-sensitive tasks and meeting deadlines.
6. Ability to provide office equipment, computer software compatible with Commission's existing software (Word, Excel, Powerpoint, Wordpress), high-speed internet, secure data storage space and back-up system, file storage space, and phone with reliable voicemail system.
7. Have a driver's license and insurance, with an acceptable driver's record or an alternative means of statewide transportation.

### **3.2 PREFERRED SKILLS/EXPERIENCE**

1. Experience in researching available grants and applying for grants.

### **3.3 ADDITIONAL CERTIFICATION REQUIREMENT**

To submit a Proposal, Proposer must meet the Independent Contractor Certification, shown below. The certification is part of Exhibit A, Sample Contract.

*(Continued on next page)*

## OAC RFP for Marketing/Promotion/Education Services

### A. CONTRACTOR IS AN INDEPENDENT CONTRACTOR

1. I am free from direction and control over the means and manner of providing the services, subject only to the right of the person for whom the services are provided to specify the desired results;
2. I am registered under ORS Chapter 58, 60, 62, 63, 65, 67, 70 or 648 to provide the services, if such registration is required.
3. I am responsible for obtaining other licenses or certificates necessary to provide the services.
4. I am customarily engaged in an independently established business because three of the following requirements are satisfied:
  - ☐ A. I maintain a business location:
    - 1) That is separate from the business or work location of the person for whom the services are provided; or
    - 2) That is in a portion of my residence, and that portion is used primarily for business.
  - ☐ B. I bear the risk of loss related to the business or the provision of services as shown by factors such as:
    - 1) Entering into a fixed-price contract;
    - 2) Being required to correct defective work;
    - 3) Warranting the services provided; or
    - 4) Negotiating indemnification agreements, or purchasing indemnification liability insurance, performance bonds or errors and omissions insurance.
  - ☐ C. I provide contracted services for two or more different persons within a 12-month period, or routinely engage in business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.
  - ☐ D. I make a significant investment in the business, through means such as:
    - 1) Purchasing tools or equipment necessary to provide the services;
    - 2) Paying for the premises or facilities where the services are provided; or
    - 3) Paying for licenses, certificates or specialized training require to provide the services.
  - ☐ E. I have the authority to hire other persons to provide or to assist in providing the services and have the authority to fire those persons.

(Section 4 does not apply if a Person files a Schedule F as part of an income tax return and the Person provides farm labor or farm services that are reportable on Schedule C of an income tax return.)

Contractor Signature: \_\_\_\_\_

Date \_\_\_\_\_

## SECTION 4: SUBMISSION REQUIREMENTS

### 4.1 MINIMUM SUBMISSION REQUIREMENTS

#### 4.1.1 Proposal Submissions

To be considered for evaluation, the Applicant's proposal must contain each of the following elements (further detailed in Proposal Requirements section below):

- a. Executive Summary of Proposed Services (Label as Attachment A)
- b. Proposal for Services (Label as Attachment B)
- c. Proposed Timeline for Provision of Services (Label as Attachment C)
- d. Proposer Information and Certification Sheet (Exhibit D of RFP, label as Attachment D)
- e. Cost Proposal prepared with a bid that represents a base fixed fee\* for administrative services (Label as Attachment E). Place your Cost Proposal in a sealed envelope marked with Proposer Name and RFP number. (\*The cost proposal base fixed fee you provide is for services only. The OAC will reimburse for materials and supplies, printing costs, travel, mileage, freight and postage, related to approved Commission business.)
- f. Key Persons and Resumes



#### **4.1.2 Proposal Format and Quantity**

Proposer shall send its Proposal to the Single Point of Contact (SPC) listed on the first page by the Closing Date and Time. The Proposal, including all attachments, must be in a sealed package with the Proposer's name and the RFP Title and Number clearly visible on the outside of the package. Inside the package, the Cost Proposal needs to be in a separate sealed envelope, labeled with the RFP Title, Number, and the Proposer's name.

Proposal should follow the format and reference the sections listed in the Proposal Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed.

Proposal shall be submitted to the SPC in two (2) formats:

- A. One (1) printed copy of Attachments A – D and F on 8 ½" x 11" paper, and one (1) printed copy of Cost Proposal (Attachment E) in a separate sealed envelope labeled with Proposer Name and RFP title; and
- B. One (1) electronic copy of Attachments A – D and F on a USB Drive, with a separate file for the Cost Proposal (Attachment E). Proposer's electronic copy must be formatted using Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx). The total combined size of Attachments A – F should be compressed so it does not exceed 10 megabytes.

#### **No emailed Proposals will be accepted.**

The Proposal for Services (Attachment B) should follow the format and reference the sections listed in Section 4.2.2. Responses to each section and subsection should be labeled with the corresponding number to indicate the item being addressed.

The Proposer Information and Certification Sheet (Attachment D) must bear the Proposer's authorized representative's Signature. Failure of the authorized representative to sign the Proposal may subject the Proposal to be rejected by the Commission.

### **4.2 PROPOSAL REQUIREMENTS**

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

Proposal should not include materials not essential to the utility and clarity of the Proposal. Proposal should be straightforward and address the requests of the RFP. Proposal containing excess marketing or advertising material not addressing the RFP requirements may receive a lower evaluation score if specific information addressing RFP requirements is difficult to locate.

#### **4.2.1 Executive Summary (label as Attachment A)**

Provide a brief overview of your Proposal.

#### **4.2.2 Proposal for Services (label as Attachment B)**

##### **4.2.2.1 Evaluation Item 1 – Office Facility and Equipment**

Describe your office facility, equipment and those who will provide administrative services:

## **OAC RFP for Marketing/Promotion/Education Services**

- I. Location;
- II. Office equipment including types of software;
- III. Phone and voicemail system;
- IV. Internet speed;
- V. Electronic storage system and capacity;
- VI. Electronic back-up system;
- VII. Storage capacity for paper records;
- VIII. Personnel support structure, if any.

### **4.2.2.2 Evaluation Item 2 – Communications**

Describe your experience in:

- I. Verbal communication as it relates to public speaking, presenting reports, assisting someone who is managing a meeting;
- II. Organizing events;
- III. Establishing and maintaining communication with board members, industry, government agencies, elected officials, and stakeholders;
- IV. Coordinating and communicating with others about administrative and financial matters.

### **4.2.2.3 Evaluation Item 3 – Time Management**

- I. Describe your time commitments and requirements to other clients. Include both current and any you anticipate adding during June 2022 through July 1, 2023;
- II. Describe the type of time management skills you have used to manage all responsibilities well;
- III. Explain how you adjust your work-flow when a client has an unanticipated need that requires immediate attention;
- IV. Provide an example of your experience delivering projects within specified deadlines;
- V. Explain your experience and provide an example of completing tasks with minimal oversight.

### **4.2.2.4 Evaluation Item 4 – Interpersonal Skills & Regulatory Compliance Experience**

- I. Describe your experience working with a variety of people, including:
  - a. Boards of directors as a whole and volunteer board members;
  - b. The public;
  - c. Researchers;
  - d. Government staff and elected officials;
  - e. Members of an organization or business that you provide administrative services to;and
- II. Give an example of previous experience complying with rules, regulations, bylaws, policies and/or procedures.

### **4.2.2.5 Evaluation Item 5 – Marketing/Promotion/Education Experience**

Describe your experience in:

- I. Planning and executing targeted promotions;
- II. Planning and executing trade show presentations;
- III. Developing and implementing marketing plans;

- IV. Preparing RFPs for marketing-related projects;
- V. Creating and maintaining working relationships with chefs and food professionals, restaurant industry, seafood retailers, and others;
- VI. Monitoring, engagement, and utilization of a variety of social media outlets.

#### 4.2.2.6 Evaluation Item 6 – Preferred Experience

Describe your experience, if any,

- I. Researching available grants and applying for grants.

## SECTION 5: ADDITIONAL REQUIREMENTS

### 5.1. PROPOSED TIMELINE FOR PROVISION OF SERVICES (LABEL AS ATTACHMENT C)

Describe how you plan to meet the deadlines related to the Commission's Marketing/Promotion/Education services work. Address any conflicts your current work may present vis-a-vis the Commission's major work elements.

To assist Proposers, the following table highlights the major activities of the Commission's Marketing/Promotion/Education services work elements. It does so with estimated dates for major work elements. *The following table DOES NOT present a complete calendar of work for the Commissions' Marketing/Promotion/Education services contractor.*

Major Work Elements	Date	Notes
Prepare Marketing/Promotion/Education activities to occur during the albacore season	February through May – to be ready for June launch	Research promotional opportunities, present to commission, RFP when required, get approval for activities, prepare contracts
Monitor summer Marketing/Promotional/Education activities	June through October	Carry out activities
Prepare Marketing/Promotional/Education activities to occur during the offseason/winter months	September through November – to be ready for November/December launch	Research promotional opportunities, present to commission, get approval for activities, prepare contracts
Monitor winter Marketing/Promotional/Education activities	November/December through May	Carryout activities

### 5.2. PROPOSER INFORMATION AND CERTIFICATION SHEET (LABEL AS ATTACHMENT D)

Complete the Proposer Information and Certification Sheet, attached to this RFP as Exhibit D. Label your completed Proposer Information and Certification Sheet as

## **OAC RFP for Marketing/Promotion/Education Services**

Attachment D. As provided in the Proposer Information and Certification Sheet, Proposers must certify that their Proposal constitutes a firm offer for 180 days following Closing of this RFP.

### **5.3. COST PROPOSAL (LABEL AS ATTACHMENT E)**

In a separate sealed envelope labeled with the Proposer's name and the RFP title and number, provide one hard copy of the proposed cost bid expressed as a base fixed fee for administrative services. The base fixed fee should not exceed the amount of \$24,000 that the Commission has budgeted as a maximum fixed cost. Do not include reimbursable items as part of the base fixed fee. The OAC will reimburse for materials and supplies, printing costs, travel, mileage, and freight and postage, related to Commission business.

### **5.4. REFERENCES**

Provide three (3) references from current or former relevant volunteer or professional organizations for similar work within the last 10 years. Proposer shall submit reference names and contact emails and phone numbers. References must be able to verify the quality of previous, related Work. Commission will make three attempts to contact each of the references provided by the Proposer. If these attempts are unsuccessful, the Proposer will receive a score of zero for that reference.

Commission may also check to determine if references provided support Proposer's ability to comply with the requirements of this RFP. Commission may use references to obtain additional information, or verify any information needed. Commission may contact any reference (submitted or not) to verify Proposer's qualifications.

### **5.5. KEY PERSON(S) AND THEIR RESUME(S)**

Specify key person(s) to be assigned to this project (if applicable), and include a current resume (not to exceed 2 pages each) for each individual that demonstrates qualifications and experience for the Work described.

## **SECTION 6: RFP SOLICITATION PROCESS**

### **6.1. PUBLIC NOTICE**

Notification of the availability of this RFP was mailed to the entities on the Oregon Agriculture Commodity Commission (OACC) RFP Mailing List and Oregon Buys (state procurement website) and advertised in appropriate periodicals, as well as the Commission's mailing lists.

Modifications, if any, to this RFP will be made through posting on the commission's website. Prospective Proposers are solely responsible for checking with the Single Point of Contact prior to the RFP Closing Date to determine whether any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

### **6.2. PRE-PROPOSAL CONFERENCE**

A pre-Proposal conference will be held at the date and time listed in the Schedule. Prospective Proposers' participation in this conference is highly encouraged but not mandatory.

The purpose of the pre-Proposal conference is to:

- I. Provide additional description of the project;
- II. Explain the RFP process; and
- III. Answer any questions Proposers may have related to the project or the process.

Statements made at the pre-Proposal conference are not binding upon Commission. Proposers may be asked to submit questions in Writing.

Interested parties may participate in the Preproposal Conference through a Zoom video conference to be held **Tuesday, January 11, 2022 at 2:30 PM**. The link is posted on page 4, and will be posted on oregonalbacore.org

### **6.3. QUESTIONS / REQUESTS FOR CLARIFICATIONS**

All inquiries, whether relating to the RFP process, administration, deadline or method of award, or to the intent or technical aspects of the RFP, or relating to the potential Contract terms and conditions, or both, must:

- I. Be delivered to the SPC via email
- II. Reference the RFP Title and Number
- III. Identify Proposer's name, phone, and email information
- IV. Refer to the specific area of the RFP being questioned (i.e. page, section and paragraph number) or Contract term or condition, as applicable; and
- V. Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule

### **6.4. PROPOSAL DELIVERY**

Proposer is solely responsible for ensuring its Proposal is received by the SPC before Closing.

Commission is not responsible for any delays in mail or by common carriers or by transmission errors or delays, or for any mis-delivery for any reason. A Proposal submitted by any means not authorized below will be rejected:

A Proposal must be submitted through the mail or via parcel carrier, and must be clearly labeled and submitted in a sealed envelope, package or box. The outside of the sealed submission must clearly identify the Proposer's name and the RFP title. It must be sent to the attention of the SPC at the address listed on the Cover Page.

### **6.5. PROPOSAL DUE**

A Proposal (including all required submittal items) must be received by the SPC on or before Closing. All Proposal modifications or withdrawals must be received prior to Closing.

### **6.6. PROPOSAL REJECTION**

Commission may reject a Proposal for any of the following reasons:

- I. Proposer fails to substantially comply with all prescribed RFP procedures and requirements, including but not limited to the requirement that Proposer's authorized

- representative sign the Proposal.
- II. Proposer makes any contact regarding this RFP with State representatives such as but not limited to Commission employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
  - III. Proposer attempts to influence a member of the Evaluation Committee.
  - IV. Proposal is conditioned on Commission'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 RFP or Addenda.

## **6.7. EVALUATION PROCESS**

### **6.7.1. Responsiveness determination**

A Proposal will be reviewed to determine if it meets all RFP requirements. If an aspect of the Proposal is unclear, the SPC may request clarification from Proposer. If the SPC finds the Proposal does not meet any one or more requirements of the RFP, including but not limited to compliance with requirement for submission by Closing, the Proposal may be rejected; however, the Commission may waive mistakes in its sole discretion.

### **6.7.2. Evaluation Criteria**

Each Proposal that the Commission finds meets RFP requirements will be independently evaluated by members of an Evaluation Committee. Evaluation Committee members may change. Evaluators will assign a score for each evaluation criterion listed below in this section up to the maximum points available in the Point and Score Calculation section.

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

The Commission reserves the right to investigate references and past performance of any Proposer with respect to the Proposer's (a) successful performance of similar projects; (b) compliance with specifications and contractual obligations; (c) completion or delivery of a project on schedule; and (d) lawful payment of suppliers, subcontractors, and workers. The Commission reserves the right to postpone the award in order to complete its investigation.

*(Continued on next page)*

Proposals considered responsive and complete will be evaluated by the Committee using a point scale on the evaluation criteria listed below:

<b>Maximum Possible Points</b>	<b>Qualifications-Based Evaluation Criteria</b>
5	Evaluation Item 1 – Office Facility and Equipment
20	Evaluation Item 2 – Communications
10	Evaluation Item 3 – Time Management
20	Evaluation Item 4 – Interpersonal Skills & Regulatory Compliance Experience
35	Evaluation Item 5 – Marketing/Promotion/Education Experience
<u>5</u>	Evaluation Item 6 – Preferred Experience
95	SUBTOTAL of Qualifications-Based Evaluation Score
<u>15</u>	Cost Proposal Score Added
110	SUBTOTAL of Qualifications-Based Evaluation Score and Cost Proposal Score
35	Top three (3) scoring Proposals invited to interview. The interview score will be added to the SUBTOTAL of the Qualifications-Based Evaluation Score and Cost Proposal Score.
<u>5</u>	References scored for Proposals invited to interview.
150	TOTAL POSSIBLE POINTS

EVALUATOR USE THIS COLUMN WHEN <b>35 POINTS IS MAXIMUM SCORE</b>	EVALUATOR USE THIS COLUMN WHEN <b>20 POINTS IS MAXIMUM SCORE</b>	EVALUATOR USE THIS COLUMN WHEN <b>15 POINTS IS MAXIMUM SCORE</b>	EVALUATOR USE THIS COLUMN WHEN <b>10 POINTS IS MAXIMUM SCORE</b>	EVALUATOR USE THIS COLUMN WHEN <b>5 POINTS IS MAXIMUM SCORE</b>	<b>EXPLANATION</b>
35	20	15	10	5	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
34 - 21	19 - 12	14 - 9	9 - 6	4 - 3	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
20 - 8	11 - 5	8 - 4	5 - 3	2	ADEQUATE – Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
7 - 1	4 - 1	3 - 1	2 - 1	1	FAIR – Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0	0	0	0	0	RESPONSE OF NO VALUE – An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.



**6.7.2.1. Evaluation Item 1 - Office Facility & Equipment - 5 pts. maximum**

- a. Is Proposer's computer software compatible with the software used by the Commission?
- b. Is the internet speed at Proposer's office adequate for OAC needs?
- c. For both electronic and paper records, will the Proposer's storage system and capacity meet the Commission's needs?
- d. What, if any, personnel support structure does the Proposer have? How well will the Proposer's personnel structure meet the Commission's needs?

**6.7.2.2. Evaluation Item 2 - Communications - 20 pts. Maximum**

- a. How well does Proposer's preferred method of communicating with clients, both individuals and boards, fit the Commission's needs? Does the Proposer's example of how well they have established and maintained communication with board members, industry, government agencies, elected officials, and stakeholders fit the Commission's needs?
- b. Score the Proposal's information about their ability to write and prepare correspondence and newsletters. Does the computer software used and skill level with each software work well for the Commission?
- c. Does the Proposal's description of their comfort level and experience with public speaking, or assisting someone who is managing a meeting suit the Commission's needs?

**6.7.2.3. Evaluation Item 3 - Time Management - 10 pts. Maximum**

- a. How well does Proposer respond to the table showing the Commission's major Marketing/Promotion/Education work elements on page 11 and their ability to balance competing priorities and multiple deadlines on work for other clients, if applicable?
- b. How well does Proposer communicate their ability to perform well in delivering projects within specified deadlines?
- c. Does Proposal assure evaluator that Proposer has performed well in completing tasks with minimal oversight?

**6.7.2.4. Evaluation Item 4 - Interpersonal Skills & Regulatory Compliance - 20 pts. maximum**

- a. How well has Proposal illustrated the ability to address a client's specified needs while also going above and beyond requirements to provide value-added assistance?
- b. Does Proposer's experience indicate they work with a wide variety of personality types?
- c. How well has Proposer worked with boards? Review examples of the type of boards Proposer worked with in the last five (5) years. Consider the largest number of board members and the smallest number of board members Proposer worked with.

Were the boards non-profit, corporate, association, governmental, etc.?

- d. Does Proposal illustrate previous professional experience complying with rules, regulations, bylaws, policies and/or procedures?

**6.7.2.5. Evaluation Item 5 – Marketing/Promotion/Education Experience - 35 pts. maximum**

- a. Does the Proposer show experience in planning and executing targeted promotions and trade shows?
- b. Does the Proposer show experience in developing and implementing marketing plans?
- c. Does the Proposer show experience in written and verbal communication skills, especially in public speaking?
- d. How well has Proposer created and maintained relationships with chefs and food professionals, restaurant industry, seafood retailers, and others?
- e. Does the Proposer demonstrate experience with social media?
- f. Does the Proposer demonstrate sufficient experience maintaining a robust website.

**6.7.2.6. Evaluation Item 6 – Preferred Experience – 5 pts. maximum**

- a. Does the Proposer have any experience researching available grants and applying for them?

Proposers may be invited to participate in Proposer interviews. Interviews may be in person at a location determined by Commission; however, Commission may elect to conduct interviews via teleconference or virtual conferencing.

**6.7.3. COST EVALUATION**

Following scoring and ranking of Proposals, based on the qualifications-based criteria, the cost proposals will be scored as follows:

- a. Proposer with the lowest price proposal will receive 15 points.
- b. Proposer with the second lowest price proposal will receive 10 points.
- c. Proposer with the third lowest price proposal will receive 5 points.
- d. All other Proposers will receive 0 points.

**6.8. POINT AND SCORE CALCULATIONS**

Scores are the points assigned by each evaluator.

The maximum points possible for each evaluation item are listed in the table below.

The SPC will average all scores for each evaluation criterion.

Cost points are calculated as stated in the Cost Evaluation section.

<b>TOTAL POINTS POSSIBLE:</b>		<b>150</b>
<b>POINTS POSSIBLE – of Qualification-Based Evaluation Score</b>		<b>95</b>
6.7.2.1.	Evaluation Item 1- Office Facility & Equipment	5
6.7.2.2.	Evaluation item 2 – Communications	20
6.7.2.3.	Evaluation Item 3 – Time Management	10
6.7.2.4.	Evaluation Item 4 – Interpersonal Skills & Regulatory Compliance Experience	20
6.7.2.5.	Evaluation Item 5 – Marketing/Promotion/Education Experience	35
6.7.2.6.	Evaluation Item 6 – Preferred Experience	5
6.7.3.	<b>COST POINTS POSSIBLE</b>	<b>15</b>
	Top Scoring Proposals will be invited to interview	35
5.4	References	5

## 6.9. RANKING OF PROPOSERS

The SPC will average the scores for each Proposal (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members).

If Commission receives only one Proposal, Commission may dispense with the evaluation process and intent to award protest period and proceed with Contract award, as Commission deems in its best interest.

## SECTION 7: AWARD

### 7.1. AWARD NOTIFICATION PROCESS

#### 7.1.1. Award

Commission, if it awards a Contract, shall award a Contract to the highest-ranking Proposer(s) based upon the scoring methodology and process described in Section 6.

#### 7.1.2. Intent to Award Notice

Commission will notify all Proposers in Writing that Commission intends to award Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions, if any.

Notwithstanding the foregoing, the Commission reserves the right at its sole discretion and without any liability: (1) to amend this RFP, among other reasons, to revise the scope of work or to extend the resulting Contract; (2) to extend the deadline for proposal submission; (3) to determine whether a proposal does or does not substantially comply

with the requirements of this RFP; (4) to waive any minor irregularity, informality, or nonconformance with this RFP's requirements; (5) to request references from other public agencies or private businesses regarding the Proposer's previous contract performance; and (6) at any time prior to contract execution (including after announcement of the tentative award): (a) to reject any proposal that fails to substantially comply with all prescribed RFP procedures and requirements; and (b) to reject all proposals received and cancel this RFP upon a finding by Commission that there is good cause and that such cancellation would be in the best interest of the Commission.

## **7.2. APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS**

Proposers who are selected for Contracts award under this RFP will be required to submit additional information and comply with the following:

### **7.2.1. Insurance**

Prior to award, Proposers shall secure and demonstrate to Commission proof of insurance as required in the Sample Contract (Exhibit A), if any.

### **7.2.2. Taxpayer Identification Number**

The apparent successful Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form when requested by Commissions or when the backup withholding status or any other relevant information of Proposer has changed since the last submitted W-9 form, if any.

### **7.2.3. Business Registry**

If selected for award, Proposer shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Contracts. Information about these requirements may be found at <http://sos.oregon.gov/business/pages/register.aspx>.

### **7.2.4. Independent Contractor Certification**

When submitting a Proposal, the Proposer must certify that they are an Independent Contractor.

## **SECTION 8: ADDITIONAL INFORMATION**

### **8.1. GOVERNING LAWS AND REGULATIONS**

This RFP is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFP, 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 from the jurisdiction of any court.

## **8.2. OWNERSHIP/PERMISSION TO USE MATERIALS**

All Proposals are public record and are subject to public inspection after Commission issues the Notice of the Intent to Award. Application of the Oregon Public Records Law will determine whether any information is actually exempt from disclosure.

All Proposals submitted in response to this RFP become the Property of the Commission. By submitting a Proposal in response to this RFP, Proposer 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 Proposal solely for the purpose of evaluating the Proposal, negotiating an Agreement, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (ORS 192.410 through 192.505). Proposals, including supporting materials, will not be returned to Proposer.

## **8.3. CANCELLATION OF RFP; REJECTION OF PROPOSAL; NO DAMAGES.**

Commission may reject any or all Proposals in-whole or in-part, or may cancel this RFP at any time when the rejection or cancellation is in the best interest of the State, as determined by Commissions. Neither the State nor Commission is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

## **8.4. COST OF SUBMITTING A PROPOSAL**

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

## **8.5. SAMPLE CONTRACT STANDARD TERMS AND CONDITIONS (EXHIBIT A)**

The successful submitted proposal will be incorporated into the final contract between the Commission and the awarded contractor, which will include the terms and conditions as set forth in the attached Sample Contract (Exhibit A), which is incorporated here into this RFP by this reference. The statement of work may be modified.

## **8.6. OAC BUDGETS FOR 2017-22 – (EXHIBIT B, INCORPORATED INTO THIS RFP BY THIS REFERENCE)**

## **8.7. OAC ADMINISTRATIVE RULES ON ASSESSMENTS – (EXHIBIT C, INCORPORATED INTO THIS RFP BY THIS REFERENCE)**

## **8.8. PROPOSER INFORMATION AND CERTIFICATION SHEET – (EXHIBIT D, INCORPORATED INTO THIS RFP BY THIS REFERENCE)**

## **8.9. LINKS**

Website: [www.oregonalbacore.org](http://www.oregonalbacore.org)

Oregon Administrative Rules Website:

[https://sos.oregon.gov/archives/pages/default.aspx?utm\\_source=SOS&utm\\_medium=egov\\_redirect&utm\\_campaign=http%3A//arcweb.sos.state.or.us](https://sos.oregon.gov/archives/pages/default.aspx?utm_source=SOS&utm_medium=egov_redirect&utm_campaign=http%3A//arcweb.sos.state.or.us)

**OAC RFP for Marketing/Promotion/Education Services**

Oregon Revised Statutes Chapter 576 Website:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors576.html](https://www.oregonlegislature.gov/bills_laws/ors/ors576.html)

Oregon Public Records and Meetings Manual: [https://www.doj.state.or.us/wp-content/uploads/2019/07/public\\_records\\_and\\_meetings\\_manual.pdf](https://www.doj.state.or.us/wp-content/uploads/2019/07/public_records_and_meetings_manual.pdf)

ODA Commodity Commission Program Website: [www.oda.direct/commissions](http://www.oda.direct/commissions)