

STATE OF OREGON



COVER PAGE

Oregon Health Authority

Is issuing this Request For Grant Applications (RFGA) under Bid Number
6001 for

REALD & SOGI GRANT PROGRAM FUNDING

Date of Issue: October 11, 2024

Opening Date and Time: November 15, 2024 at 3:00pm PST

Single Point of Contact (SPC): Karissa Montano

Address: 635 Capitol Street NE, Suite 350
City, State, Zip Salem, Oregon 97301
Phone (voice) (503) 509-3584
E-mail: karissa.montano@odhsoha.oregon.gov

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SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon, acting by and through the Oregon Health Authority (“Agency” or “OHA”), is issuing this Request for Grant Applications (RFGA) for race, ethnicity, spoken and written language, and disability (REALD) & sexual orientation and gender identity (SOGI) Capacity Building.

Starting in 2012, community organizations, particularly the Asian Pacific American Network of Oregon (APANO) and Oregon Health Equity Alliance (OHEA), led efforts to collect granular data on race, ethnicity, language, and disability. This effort arose from the need to address inconsistent and insufficient data collection standards used to collect these variables across the Oregon Department of Human Services (ODHS) and OHA programs and activities. These inconsistent and insufficient data collection standards made it difficult to analyze how race, ethnicity, identity, and language impacted the health of Oregon’s Black, Indigenous, Tribal Communities and Communities of Color, LGBTQIAS+ (Lesbian, Gay, Bisexual, Transgender, Queer and or/ Questioning, Intersex, Asexual, Two-Spirit, Plus) community, people with disabilities, and other underserved populations and to assess the status and needs of these communities. In 2013, the Oregon Legislature passed House Bill 2134 (HB 2134), which directed OHA and the ODHS to collaborate in standardizing and improving how REALD demographics are collected in all OHA and ODHS activities. In 2021, the Oregon Legislature passed House Bill 3159 (HB 3159) (colloquially known as The Data Justice Act, codified at ORS 413.163 to 413.167). HB 3159 expanded the ORS 413.161 to include SOGI.

To support the goals of HB 2134 and HB 3159, the REALD and SOGI Section of OHA’s Equity and Inclusion Division strives to create and foster conditions for communities most impacted by health inequities to do data justice in service of OHA’s goal of eliminating health inequities by 2030. The goals of this RFGA are to center community strengths, wisdom and priorities for health. Community-Based Organizations (CBOs) in community led, culturally, and linguistically responsive trainings play an essential role in achieving these goals.

OHA has approximately \$700,000.00 in funds available under this RFGA and may award additional funds if they become available. OHA intends to issue multiple awards under this RFGA using one-year grant agreements with a maximum award amount of \$75,000. Additional details on the required grant activities are included in the Grant Activities Section 2.4.

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 RFGA.

Event	Date	Time
Pre-Application Conferences via Zoom	October 16, 2024	3:00PM
	October 18, 2024	10:00AM
	November 1, 2024	3:00PM
Questions / Requests for Clarification Due	November 6, 2024	3:00 PM
Answers to Questions / Requests for Clarification Issued (approx.)	November 8, 2024	
RFGA Protest Period Ends	7 calendar days prior to RFGA Opening Date	
Opening of Application	November 15, 2024	3:00PM
Issuance of Notice of Intent to Award (approx.)	December 10, 2024	
Award Protest Period Ends	7 calendar days after Notice of Intent to Award	

1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFGA is identified on the Cover Page, along with the SPC’s contact information. Applicant shall direct all communications related to any provision of the RFGA only to the SPC, whether about the technical requirements of the RFGA, Agreement requirements, the RFGA process, or any other provision.

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

Agency is issuing this RFGA pursuant to its authority under ORS 413.166. Agency is evaluating grant applications using the processes provided herein.

2.2 DEFINITION OF TERMS

For the purposes of this RFGA, the following capitalized words and phrases are defined as follows:

“Community Health Organization” includes but is not limited to community focused or supported health organizations such as Federally Quality Health Centers (FQHCs), community health clinics, and healthcare focused community-based groups and organizations (CBOs), and tribal health clinics.

“Community-Based Group” or **“Community-Based Organization”** (CBO) means a group or organization that is community driven, that support and are aimed at improving specific communities’ social and physical health, well-being, success and overall quality of life, and that often are representative of communities that have been marginalized, oppressed, underserved, stigmatized and discriminated against.

“Culturally Responsive” means showing full respect for and the relevance of the beliefs, practices, culture and linguistic needs of diverse people and communities being served; having the capacity to respond to the unique issues and characteristics of diverse communities, taking into account language, cultural approaches, strengths, perspectives, experiences, values and norms; and being welcoming, accessible, appropriate and effective for all eligible intended recipients.

“Trauma-Informed” means considering and evaluating the role that trauma plays in the lives of people seeking assistance and providing assistance in a manner that is responsive to the vulnerabilities of trauma survivors and avoids inadvertent re-traumatization.

2.3 OVERVIEW AND PURPOSE

2.3.1 Program Overview, Background, and Purpose

ORS 413.166 directs OHA to develop and administer a grant program to provide funding for the purpose of supporting safe data collection by Community Health Organizations and Community-Based Groups with demonstrated experience serving tribal communities, communities of color, LGBTQ+ people, people with disabilities, people who speak primary languages other than English and other underserved populations. An entity that receives a grant under this RFGA shall provide Culturally Responsive, Trauma-Informed trainings on the collection of the data described in [ORS 413.164\(2\)](#).

To achieve the goals of the Data Justice Act, this grant program supports grantees in the following:

- Developing and delivering culturally appropriate and Trauma-Informed trainings on:
 - The importance of disaggregated data for addressing health inequities;
 - The implementation of REALD & SOGI data collection;
 - The analysis and use of REALD & SOGI data;
 - Developing the capacity for community members to collect REALD & SOGI data, use REALD & SOGI data to do data justice, and use REALD & SOGI data to conduct research based on the needs of their community; and
 - Improving the capacity for REALD & SOGI data collection by Community Health Organizations and Community-Based Groups.

As a condition receiving a grant award, grantees will be required to participate in a train-the-trainers program conducted by the REALD & SOGI Section of OHA during the grant period.

2.4 GRANT ACTIVITIES

OHA is seeking applications from Community Health Organizations and Community-Based Groups with demonstrated experience serving tribal communities, communities of color, LGBTQIAS+ people, people with disabilities, people who speak primary languages other than English, and other underserved populations to conduct some or all of the following grant activities:

- Develop culturally appropriate and Trauma-Informed curricula for trainings on the importance of disaggregated data, the implementation of REALD & SOGI data collection, and how REALD & SOGI data will be used, including:
 - Ensuring curricula is responsive to community feedback and needs;
 - Ensuring curricula reflect the potential of REALD & SOGI data to illuminate the pervasiveness of systemic inequities and provide pathways for equitable decision making and allocation of resources; and
 - Ensuring the curricula includes elements of decolonizing data, data justice, and data equity.
- Support the development of capacity for community members to collect data, use the data to do data justice, conduct research based on the needs of their communities.
- Improve the capacity for REALD & SOGI data collection by Community Health Organizations and Community-Based Groups.
- Deliver trainings to communities, particularly those communities most impacted by racial and systemic health inequities, including but not limited to the intersection of research/data and anti-racist community engagement strategies.

SECTION 3: APPLICATION REQUIREMENTS

3.1 MINIMUM QUALIFICATIONS

To be eligible for an award under this RFGA, Applicants must be either a Community Health Organization or Community-Based Group based in Oregon.

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Application Required Documents

To be considered for evaluation, an Application must contain each of the following required documents:

- Proposed Project Description (submitted as a single PDF file);
- Proposed Budget (Attachment D);
- Disclosure Exemption Affidavit (Attachment B);
- Applicant Information and Certification Sheet (Attachment C);
- COBID Certification / Outreach Plan (Attachment E);
- Responsibility Inquiry (Attachment F);
- Key Person(s) and Resume(s); and
- Work Samples or References.

3.2.2 Application Page Limits

Each Application is limited to 10 pages. Any pages exceeding this limit will not be provided to the Grant Review Committee (GRC) or considered in the evaluation. The following items do not count toward the page limit:

- Proposed Budget (Attachment D);
- Disclosure Exemption Affidavit (Attachment B);
- Applicant Information and Certification Sheet (Attachment C);
- COBID Certification / Outreach Plan (Attachment E);
- Responsibility Inquiry (Attachment F);
- Key Person(s) and Resume(s); and
- Work Samples or References

3.2.3 Smartsheet Submission

SmartSheet Electronic Response. Applicant should submit its Application and all required documents electronically through Smartsheet. Applicant should follow the procedures outlined in <https://app.smartsheet.com/b/form/a9faf017c17c4e33b641def326858576> for electronic submission.

The documents should be submitted to SmartSheet as follows:

- The Proposed Project Description must be submitted as a PDF file, no more than 10 pages.
- Key Person(s) and Resumes, and Work Samples or References must be submitted as a combined PDF file.
- Attachment B- If Applicant believes any of its Application is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Applicant shall complete and submit the Disclosure Exemption Affidavit as a separate PDF file.
- Attachment C- Applicant Information and Certification Sheet must bear the Applicant's authorized representative's Signature and be submitted as a separate PDF file.
- Attachment D- Proposed Budget must be submitted as a separate Excel file.
- Attachment E- COBID Certification/Outreach Plan must be submitted as a separate PDF file.
- Attachment F- Responsibility Inquiry must be submitted as a separate PDF file.

3.2.4 Authorized Representative Signature

Failure of Applicant's authorized representative to sign the Application may result in rejection of the Application by Agency.

3.3 APPLICATION REQUIREMENTS

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

Application should not include extensive artwork, unusual printing or other materials not

essential to the utility and clarity of the Application. Do not include marketing or advertising material in the Application, unless requested. Application should be straightforward and address the requests of the RFGA. Application containing unsolicited marketing or advertising material may receive a lower evaluation score if required information is difficult to locate.

3.3.1 Project Description

Applicant shall provide a detailed Project Description, no more than 10 pages, that describes the grant activities, including services to be offered or training to be received, in order to provide Culturally Responsive trauma informed trainings on the collection of the data described in ORS 413.164(2). The Project description must include a plan for how the Applicant would use funding, indicating what, if any, services would be subcontracted.

The Project Description should also include timelines for completion of grant activities, the estimated number of individuals to be served over the term of the grant for each service type, and the intended impact of Applicant's proposed project.

3.3.3 Disclosure Exemption Affidavit (Attachment B- *Optional*)

If Applicant believes any of its Application is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Applicant shall complete and submit the Disclosure Exemption Affidavit.

3.3.4 Applicant Information and Certification Sheet (Attachment C)

Applicant shall complete and submit the Applicant Information and Certification Sheet.

Failure to demonstrate compliance with Oregon Tax Laws and sign the Applicant Information and Certification Sheet may result in a finding of non-Responsibility.

3.3.5 Proposed Budget (Attachment D)

Applicant shall submit a Proposed Budget in a separate excel document electronically through Smartsheet.

- For each grant activity described in the Project Description, the Proposed Budget must include a summary of proposed costs and time estimates for completing each activity.
- The Proposed Budget must include separate line items for personnel, travel, supplies, other costs, and administrative and overhead charges; and
- For all fully loaded personnel costs, the Proposed Budget must include the name and title of all positions for each individual staff person who will perform the grant activities and list the salary/wage and fringe rate separately for each such individual.

3.3.6 COBID Certification/Outreach Plan (Attachment E)

Applicant shall complete and submit the COBID Certification/Outreach Plan sheet.

Failure to complete the COBID Certification/Outreach Plan sheet may result in a finding of non-responsibility.

3.3.7 Responsibility Inquiry (Attachment F)

Applicant shall complete and submit the Responsibility Inquiry sheet.

Failure to complete the Responsibility Inquiry sheet may result in a finding of non-responsibility.

3.3.8 Work Samples or References

Applicant shall provide 3 supporting documents which may include:

- Samples of previous work that demonstrate evidence of experience in the area of work proposed,
- Letters of support from a reference that attests to the candidate's experience in the last 3 years in the area of work proposed, and/or;
- Other relevant materials.

OHA must be able to verify the quality of previous, related work.

Agency may check to determine if work samples provided support Applicant's ability to comply with the requirements of this RFGA. Agency may use references to obtain additional information, or verify any information needed. Agency may contact any reference (submitted or not) to verify Applicant's qualifications.

3.3.9 Key Persons and their Resumes

Combine into one document a list specifying key person(s) to be assigned to Applicant's project and include a current resume (not to exceed two pages) for at least 1 key person, but no more than 5, that demonstrates the person's qualifications and experience for the Work described in this RFGA.

SECTION 4: SOLICITATION PROCESS

4.1 PUBLIC NOTICE

The RFGA and attachments are published to <https://www.oregon.gov/oha/EI/Pages/REALDSOGIGrant.aspx>. Documents will not be mailed to prospective Applicants.

Modifications, if any, to this RFGA will be made by written Amendment(s) published to <https://www.oregon.gov/oha/EI/Pages/REALDSOGIGrant.aspx>. Prospective Applicants are solely responsible for checking to determine whether or not any Amendment(s) have been issued. Amendment(s) are incorporated into the RFGA by this reference.

4.2 PRE-APPLICATION CONFERENCE

Three Pre-Application conferences will be held via Zoom at the dates and times listed in the Section 1.2 Schedule. Prospective Applicants' participation in this conference is highly encouraged but not mandatory.

The purpose of the Pre-Application conference is to:

- Provide additional description of the program;
- Explain the RFGA process; and

- Answer any questions Applicants may have related to the program or the process.

Statements made at the Pre-Application conference are not binding upon Agency. Applicants may be asked to submit questions in Writing.

Interested parties may participate in the Pre-Application Conference via Zoom. Links to be provided as an addendum to this RFGA and will be posted to <https://www.oregon.gov/oha/EI/Pages/REALDSOGIGrant.aspx>.

- October 16 , 2024 at 3:00PM PST
- October 18 , 2024 at 10:00AM PST
- November 1, 2024 at 3:00PM PST

4.3 QUESTIONS / REQUESTS FOR CLARIFICATIONS

All inquiries, whether relating to the RFGA process, administration, deadline or method of award, or to the intent or technical aspects of the RFGA must:

- Be delivered to the SPC via e-mail.
- Reference the RFGA number 6001 ;
- Identify Applicant’s name and contact information;
- Refer to the specific area of the RFGA 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 in Section 1.2.

Agency may, in its sole discretion, waive minor process errors when receiving an inquiry from a prospective Applicant.

4.4 SOLICITATION PROTESTS

4.4.1 Protests to RFGA

Prospective Applicants may submit a Written protest of anything contained in this RFGA, including but not limited to the RFGA process, Specifications, and the Sample Agreement. This is only opportunity for prospective Applicants to protest the provisions of the RFGA. Applicant protests must follow the requirements provided in the following section.

4.4.2 Requirements for RFGA Protests

All RFGA protests must:

- Be delivered to the SPC via email.
- Reference the RFGA number 6001;
- Identify prospective Applicant’s name and contact information;
- Be sent by an authorized representative;
- State the reason for the protest, including:
 - the grounds that demonstrate how the RFGA process is contrary to law,

- unnecessarily restrictive, legally flawed, or improperly specifies a brand name; and
 - evidence or documentation that supports the grounds on which the protest is based; and
- State the proposed changes to the RFGA provisions or other relief sought.

Protests to the RFGA must be received by the due date and time identified in the Section 1.2 Schedule.

Protests to an Amendment must be received by the due date identified in the Amendment.

4.5 APPLICATION DELIVERY OPTIONS

Applicant is solely responsible for ensuring its Application is received by the SPC in accordance with the RFGA requirements before Opening. Agency is not responsible for any transmission errors or delays, or for any mis-delivery for any reason. An Application submitted by any means not authorized by this RFGA will be rejected.

4.6 APPLICATION MODIFICATION OR WITHDRAWAL

If a Applicant wishes to make modifications to a submitted Application, the Applicant must submit its modification in the same manner as the Applicant submitted the Application. To be effective, the modification must include the RFGA number and be submitted to the SPC prior to Opening.

If an Applicant wishes to withdraw a submitted Application, it must submit a written notice signed by an authorized representative of its intent to withdraw to the SPC via email prior to the Opening. To be effective the notice must include the RFGA number.

4.7 APPLICATION DUE

An Application (including all required documents) must be received by the SPC on or before Opening. All Application modifications or withdrawals must also be received prior to Opening.

An Application received after Opening is considered LATE and will NOT be accepted for evaluation.

4.8 APPLICATION REJECTION

Agency may reject an Application for any of the following reasons:

- Applicant fails to substantially comply with all prescribed RFGA procedures and requirements, including but not limited to the requirement that Applicant's authorized representative sign the Application.
- Applicant has liquidated and delinquent debt owed to the State or any department or agency of the State.
- Applicant fails to meet the responsibility requirements of ORS 279B.110.
- Applicant makes any contact regarding this RFGA with State representatives such as State employees or officials other than the SPC or persons authorized by the SPC, or inappropriate contact with the SPC.

- Applicant attempts to influence a member of the GRC.
- Application 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 RFGA or Amendment(s).

4.9 EVALUATION PROCESS

Upon the RFGA closing, SPC will perform an initial administrative review of Applications received by the Opening Date and time for completeness. Those that are determined to be completed will move forward to the GRC for further review. The GRC will be comprised of OHA staff or designees who will review and score each application based on the Scoring Rubric (Attachment G).

The GRC will review each Application independently and will excuse themselves from the review process if there is a conflict of interest for an Application (all reviewers will sign a Conflict-of-Interest Form).

Reviewers will document their review of each Application using the criteria found in Attachment G (Scoring Rubric). Upon conclusion of individual reviews, the GRC will come together to discuss Applications and finalize the justifications and recommendations for grant awards.

4.9.1 Responsiveness and Responsibility Determination

4.9.1.1 Responsiveness determination

An Application received prior to Opening will be reviewed to determine if it is Responsive to all RFGA requirements including compliance with Section 3.1 (Minimum Qualifications) and Section 3.2 (Minimum Submission Requirements). If the Application is unclear, the SPC may request clarification from Applicant. However, clarifications may not be used to rehabilitate a non-Responsive Application. If the SPC finds the Application non-Responsive, the Application may be rejected; however, Agency may waive mistakes in its sole discretion.

4.9.1.2 Responsibility Determination

Agency will determine if an apparent successful Applicant is Responsible prior to award and execution of the Agreement. Applicants shall submit a signed Responsibility Inquiry form (Attachment F) with Application.

At any time prior to award, Agency may reject an Applicant found to be not Responsible.

4.9.1.3 Application Evaluation Criteria

Each Application meeting all Responsiveness requirements will be independently evaluated by members on the GRC to determine if the Applicant is qualified to perform grant activities. The GRC members may change, and OHA may increase or decrease the total amount of GRC members in its sole discretion.

Each Applicant will receive notification regarding the status of the Applicant's Application.

Evaluators will assign a score for each evaluation criterion as detailed below:

Criteria	Points Possible
Demonstrated experience of the Applicant serving tribal communities, communities of color, LGBTQIA2S+ people, people with disabilities, people who speak primary languages other than English and other underserved populations.	30
The demonstrated experience of the Applicant offering support and/or trainings related to the proposed project.	30
Alignment of project description with REALD & SOGI Grant goals and administrative rules.	20
Proposed project is feasible and the proposed budget is proportionate to the funding request	20
Total	100

The GRC will assign the total criterion points. All total points possible will be added together for the final total score, up to a maximum of **100** points. Applicant must have a total score of at least **60** points to qualify and to be eligible to be awarded a Contract.

4.10 RANKING OF APPLICANTS

The SPC will average the scores for each Application in a given round of competition (calculated by totaling the points awarded by each GRC member and dividing by the number of members).

The SPC will determine the rank of each Application, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

SECTION 5: AWARD AND NEGOTIATION

5.1 AWARD NOTIFICATION PROCESS

5.1.1 Award Consideration

Agency, if it awards grants, will award a grant(s) to the highest-ranking Responsible Applicants based upon the scoring methodology and process described in Section 4. Agency may make an award that covers less than the full Project Description proposed by the Applicant.

5.1.2 Intent to Award Notice

Agency will notify all Applicants in writing that Agency intends to award a grant to the selected Applicants, subject to successful negotiation of a grant agreement.

5.2 AWARD PROTESTS

5.2.1 Award Protest Submission

An Affected Applicant shall have 5 business days from the date of the Intent to Award notice to file a written award protest.

An Applicant is an Affected Applicant only if the Applicant would be eligible for a grant award in the event the award protest was successful and is protesting for one or more of the following reasons:

- Higher ranked Applications are non-Responsive.
- Agency has failed to conduct an evaluation of Applications in accordance with the criteria or process described in the RFGA.
- Agency abused its discretion in rejecting the protestor's Application as non-Responsive.
- Agency's evaluation of Application or determination of award otherwise violates Oregon law.

If Agency receives only one Application, Agency may dispense with the evaluation process and Intent to Award protest period and proceed with grant agreement negotiations and award.

5.2.1.1 Award Protest Requirements

Award Protests must:

- Be delivered to the SPC via email;
- Reference the RFGA number 6001 ;
- Identify Applicant's name and contact information;
- Be signed by an authorized representative of Applicant;
- Include the following:
 - The application and all application materials submitted to OHA;
 - A statement explaining why the applicant believes they meet the minimum application criteria or should have received a higher evaluation score and;
- Be received within 5 calendar days of the Intent to Award notice.

5.2.2 Response to Award Protests

Agency will address all timely submitted award protests within a reasonable time and will issue a written decision to the respective Applicant. Award protests that do not include the required information may not be considered by Agency.

5.3 APPARENT SUCCESSFUL APPLICANT SUBMISSION REQUIREMENTS

Applicant(s) who are selected for a grant award under this RFGA will be required to submit additional information and comply with the following:

5.3.1 Insurance

Prior to award, Applicant shall secure and demonstrate to Agency proof of insurance as required in this RFGA or as negotiated. Insurance Requirements are found in Exhibit C of Attachment A.

5.3.2 Taxpayer Identification Number

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

5.3.3 Business Registry

If selected for award, Applicant shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Agreement. Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

5.3.4 Responsibility Inquiry

Prior to award, Applicant shall be required to complete and submit Attachment F — Responsibility Inquiry.

5.3.5 Pay Equity Certification

If selected for award and the Agreement value exceeds \$500,000 and Applicant employs 50 or more full-time workers, Applicant shall submit to Agency a true and correct copy of an unexpired Pay Equity Compliance Certificate, issued to the Applicant by the Oregon Department of Administrative Services. For instructions on how to obtain the Certificate, visit <https://www.oregon.gov/das/Procurement/Pages/PayEquity.aspx>.

5.3.6 Nondiscrimination in Employment

As a condition of receiving the award of a Agreement under this RFGA, Applicant must certify by its Signature on Attachment C - Applicant Information and Certification Sheet, in accordance with ORS 279A.112, that it has in place a policy and practice of preventing sexual harassment, sexual assault, and discrimination against employees who are members of a protected class. The policy and practice must include giving employees a written notice that the policy both prohibits, and prescribes disciplinary measures for, conduct that constitutes sexual harassment, sexual assault, or unlawful discrimination.

5.4 AGREEMENT NEGOTIATION

5.4.1 Negotiation

After selection of a successful Applicant, Agency may enter into grant agreement negotiations with the successful Applicant. By submitting an Application, Applicant agrees to comply with the requirements of the RFGA, including the terms and conditions of the Sample Agreement (Attachment A), with the exception of those terms listed below for negotiation.

Applicant shall review the attached Sample Agreement and note exceptions.

Applicant must submit those exceptions to Agency during the Questions / Requests for Clarification period set forth in Section 1.2. If Agency agrees to make any requested changes to the Sample Agreement, Agency will issue an Amendment to notify Applicants of such changes. Unless Agency issues an Amendment modifying any of the terms and conditions, Agency intends to enter into an Agreement with the successful Applicant substantially in the form set forth in Sample Agreement (Attachment A).

Following the selection of the apparent successful Applicant, Agency may agree to negotiate changes to the negotiable provisions of the Sample Agreement listed below. However, Agency is not required to make any changes and many provisions cannot be changed. Applicant is cautioned modifications to the standard provisions constitute increased risk and increased cost to the State and will not be changed without a compelling reason.

Any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice.

During agreement negotiations, Agency is willing to negotiate **ONLY** the proposed Project Description.

In the event that the parties have not reached mutually agreeable terms within **15** calendar days, Agency, at its discretion, may terminate Negotiations and commence Negotiations with the next highest-ranking Applicant.

SECTION 6: ADDITIONAL INFORMATION

6.1 COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION

The State of Oregon is committed to taking active steps toward increasing and promoting diversity, equity, and inclusion values across procurement processes for minority, women, emerging small, and service-disabled veteran owned businesses by reducing barriers to compete for and be awarded state grants. All interested businesses are encouraged to submit Applications for this grant opportunity.

6.2 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 Agreement has potential subcontracting opportunities, the successful Applicant may be required to submit a completed Certified Disadvantaged Business Outreach Plan (Attachment F) prior to execution.

6.3 GOVERNING LAWS AND REGULATIONS

This RFGA is governed by the laws of the State of Oregon. Venue for any administrative or

judicial action relating to this RFGA, 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 6.2 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.

6.4 OWNERSHIP/PERMISSION TO USE MATERIALS

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

All Applications submitted in response to this RFGA become the Property of Agency. By submitting an Application in response to this RFGA, Applicant 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 Application solely for the purpose of evaluating the Application, negotiating an Agreement, if awarded to Applicant, or as otherwise needed to administer the RFGA process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Applications, including supporting materials, will not be returned to Applicant, except in the case of Applications that were submitted late and rejected by Agency.

6.5 CANCELLATION OF RFGA; REJECTION OF APPLICATION; NO DAMAGES.

Agency may reject any or all Applications in-whole or in-part, or may cancel this RFGA 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 any State agency is liable to any Applicant for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFGA or an Agreement award, or the rejection of any Application.

6.6 COST OF SUBMITTING AN APPLICATION

Applicant shall pay all costs incurred in connection with its Application, including, but not limited to, the costs to prepare and submit the Application, costs of samples and other supporting materials, costs to participate in demonstrations, and costs associated with protests.

6.7 STATEWIDE E-WASTE/RECOVERY PROCEDURE

If applicable, Applicant shall include information in its Application that demonstrates compliance with the Statewide E-Waste/Recovery Procedure #107-011-050_PR. Visit the DAS website www.oregon.gov/das and use the search bar feature to locate the procedure.

6.8 RECYCLABLE PRODUCTS

Applicant shall use recyclable products to the maximum extent economically feasible in the performance of the grant activities described in this RFGA and the subsequent grant agreement.