

## COVER PAGE

### Oregon Raspberry & Blackberry Commission (ORBC)

### ADMINISTRATIVE SERVICES

Request for Proposal (RFP)

Date of Issue: February 7, 2020

Closing Date and Time: April 2, 2020 at 4 p.m.

Single Point of Contact (SPC): Kris Anderson, ODA Commodity  
Commission Oversight Program Manager

**Send Proposals to:**

Address:  
City, State, Zip  
Phone (voice)  
E-mail:

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Oversight Program Manager  
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**Proposal requirements, format and delivery details are in Section 3.**

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## **SECTION 1: GENERAL INFORMATION**

### **1.1 INTRODUCTION**

The Oregon Raspberry & Blackberry Commission (ORBC or the Commission) is issuing this request for a proposal (RFP) for administrative services to be provided from July 1, 2020 to June 30, 2021. Depending upon the Successful Proposer's availability, the ORBC may begin the contract June 8 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 administrative services contract, annually.

### **1.2 BACKGROUND**

The ORBC is a commodity commission created under ORS 576.062 and represents 250 producers in the state of Oregon. The Commission is directed by a board of six growers, two handlers (processors that are first purchasers of caneberries), and a public member who are appointed by the Director of the Oregon Department of Agriculture. Committed to improving economic conditions in Oregon's raspberry-blackberry industry, the Commissioners are volunteers with full-time jobs.

The Commission meets an average of six times a year from January through November. In addition to meetings of the full commission, the ORBC has several committees including two that meet frequently: promotion and research.

As an Oregon commodity commission, the ORBC is authorized under Oregon Revised Statute (ORS) 576.325 to collect a mandatory assessment (tax) on red raspberries, boysenberries, loganberries, Marionberries, blackberries and other caneberry species grown in Oregon for commercial uses. Eighteen processing companies that first purchase caneberries from farmers deduct the assessment from the farmers' checks, then send the assessment to the Commission administrative office. On average, 6-10 farmers pay their assessment directly to the ORBC.

The ORBC determines the amount of the assessment and the type of caneberries assessed in Oregon Administrative Rule (OAR) Chapter 611, Division 10. A legally required tax, the mandatory assessment is the ORBC's annual income source. For fiscal year 2017-18, the ORBC assessment income was \$311,797.

In addition to the mandatory assessments, commodity commissions are permitted to receive funds from other sources. For the past nine years, the Commission has been awarded competitive grant funding through the USDA Specialty Crop Block Grant (SCBG) program, which reimburses the Commission for expenses related to specific projects. The grant income since 2009 totals \$667,194; in FY 2017-18, the grant income was \$47,483. The ORBC contractor for marketing and promotion is responsible for preparing SCBG

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proposals and carrying out any funded projects. The administrative services contractor prepares the reporting required by the SCBG program.

The ORBC website is [www.oregon-berries.com](http://www.oregon-berries.com).

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 OAR Chapter 611, Division 30. An ODA employee serves as an ex officio (non-voting) commission member and conducts oversight of the commissions pursuant to ORS 576.066. The ODA Commodity Commission Oversight Program 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 OAR Chapter 122, Division 50 and OAR Chapter 603, Division 42, as applicable. ODA reviews all contracts 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. Contracts do not take effect until approved by ODA and DOJ, if required.

A commodity commission is authorized pursuant to ORS 576.306 to contract with an independent contractor for administrative 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 RFP SCHEDULE**

The following table represents a tentative schedule of events for this RFP. 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.

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EVENT	DATE	TIME/LOCATION
Request for Proposals Advertised and Posted	February 7, 2020	See RFP Section 4.1
Pre-Proposal Conference	February 19, 2020	9:00 a.m. at Food Innovation Center, 1207 NW Naito Parkway, Portland OR 97209
Questions / Requests for Clarification Due to Single Point of Contact	February 26, 2020	4:00 pm to Single Point of Contact
Answers Provided to Questions / Requests for Clarification	March 11, 2020	Posted by 5:00 pm on <a href="http://www.oregon-berries.com/the-orbc/">www.oregon-berries.com/the-orbc/</a>
Closing (Proposal Due) to Single Point of Contact	April 2, 2020	4:00 pm to Single Point of Contact
Interviews	April 14, 2020	Beginning at 10 a.m. at the OSU Food Innovation Center, 1207 NW Naito Parkway, Portland 97209
Change of Administrator Committee meets to make recommendation to full ORBC	April 22, 2020	Hayden's Lakefront Grill, 8187 SW Tualatin-Sherwood Rd, Tualatin, OR 97062
ORBC meets to approve contract offer	April 29, 2020, time to be determined.	To be determined
Issuance of Notice of Intent to Award (approximate date)	May 13, 2020	Phone and email notice to highest scoring proposer. Notice via email to all but highest scoring.

## SECTION 2: SCOPE OF WORK

### 2.1 SCOPE OF WORK/SPECIFICATIONS

The ORBC needs an administrative services contractor to carry out the daily business affairs of the Commission. The ORBC 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 farmers or work for a farm, the handler commissioners work for a processor that is a first purchaser of caneberries, and the ORBC public member is a cookbook author with deep roots in food culture.

The administrative services contractor carries out the policies, procedures and directives previously approved by the Commission during a public meeting. The ORBC Chairperson administers the contract between the ORBC and the administrative services contractor. The administrative services contractor frequently consults with the Commission chairperson,

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vice chairperson, secretary/treasurer; and the ODA Commodity Commission Oversight Program manager.

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

ORS 576.304 authorizes all commodity commissions to collect mandatory assessments. By approving a motion at a public meeting, commissioners direct those funds toward three major program areas:

- a. non-branded promotion,
- b. research, and
- c. education.

The Commission's administrative services needs include:

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

- a. Providing the office equipment, computer and compatible software, data back-up system, and personnel the ORBC considers necessary;
- b. Providing office space for ORBC records;
- c. Performing maintenance of ORBC public records in a timely manner pursuant to OAR Chapter 166, Divisions 350, 030, and 300;
- d. As required by ORS 576.385, obtaining and filing with Commission a fidelity bond of \$50,000. Submitting reimbursement request for the cost of this bond;
- e. 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;
- f. Maintaining compliance with all governmental (local, state, or federal) laws and rules applicable to the operation of Contractor's business.

### **2.1.2 Bookkeeping and Financial Management**

- a. Managing the Commission's assessment program in accordance with OAR Chapter 611, Division 10, which includes providing reporting forms, receiving and depositing assessments, recordkeeping, collecting late assessments, and reporting to the Commission on delinquencies, among other duties;
- b. Receiving and depositing other funds;
- c. Preparing payment of Commission-approved expenses for signature by commissioners;
- d. Preparing periodic quarterly reports on revenue and providing them to ODA on a timely basis;
- e. Maintaining and updating information related to caneberry production to forecast the Commission's future assessment income for budgeting and planning purposes.
- f. Assisting the chairperson and commissioners with all functions necessary to prepare an annual draft budget pursuant to ORS 576.416, conduct the budget hearing, and submit required adopted budget materials to ODA for authorization;

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- g. Preparing financial reports, state-required year-end financial statements, other reports and related financial records pursuant to ORS 576.395;
- h. Monitoring Commission finances monthly and providing both written and verbal reports on monthly Commission finances (balance sheet, monthly check activity, monthly transactions, revenue & expenditure statement, reconciliations for a checking account, two money market accounts and a time certificate account) at each Commission meeting;
- i. Alerting Commission leadership to critical financial occurrences, for example: revenues are less than forecasted in the annual budget or expenses in a budget category will or are being exceeded;
- j. Obtaining information on marketing trends and commodity values at request of Commission; however, Contractor must obtain approval of informational content from Commission before its dissemination.
- k. Preparing requests to ODA for emergency fund transfer;
- l. Ensuring receipt of commissioner expense reports and preparing reimbursements and their recordkeeping;
- m. Acting in compliance with applicable laws, OARs, generally accepted accounting principles, and the ORBC Policies and Procedures Manual.

### **2.1.3 Communications & Meeting Planning**

- a. Assisting the chairperson with scheduling meetings;
- b. Providing legally required notices of meetings and hearings pursuant to ORS chapter 192 and ORS 576.416;
- c. Assisting committee chairpersons with preparing meeting agendas and providing notices of committee meetings;
- d. Scheduling and setting up ADA-accessible meeting rooms and catering service;
- e. Preparing and providing copies of packets for commission and research committee meetings;
- f. Working with researchers and commission members to prepare for research proposal and research report meetings;
- g. Taking notes and preparing draft minutes of Commission meetings;
- h. Providing information to growers, brokers, buyers, agencies, industries, news media and others that is consistent with approved Commission positions; however, Contractor must obtain approval of informational content from Commission before its dissemination, as provided by OAR 603-042-0015(6);
- i. Representing Commission at hearings or meetings on proposed legislation, rules, or issues affecting Commission and its growers at request of Commission; however, Contractor must obtain prior approval from Commission of all positions that may be taken on behalf of Commission;
- j. If approved in advance by Commission, traveling to assist Commission to fulfill its promotional, educational or research 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;
- k. Updating the administrative information on the Commission's website.

### **2.1.4 Administrative and Time Management**

- a. Preparing an annual operation plan for commission approval, and submitting it to ODA pursuant to OAR 603-042-0015;
- b. Maintaining the domain name Oregon-berries.com;

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- c. Maintaining and updating the administrative portions of the Commission's website in a timely manner (marketing and promotional portions of the website are not included);
- d. Maintaining records of Commission and committee minutes, actions and other records pursuant to ORS chapter 192 and ORS chapter 576;
- e. Maintaining databases in a timely manner, including grower mailing lists, meeting mailing lists, and handler lists;
- f. Maintaining and updating a list of interested parties;
- g. After Commission approval, prepare contracts and similar documents in a timely manner according to procedures which include but may not be limited to:
  - i. completing templates prepared by the Oregon Department of Justice;
  - ii. writing a statement of work;
  - iii. emailing completed document to ODA for review;
  - iv. providing additional information on a timely basis when requested;
  - v. after ODA completes review, obtaining contractor and Chairperson signatures;
  - vi. providing one fully signed document to ODA;
  - vii. maintaining one fully signed document in ORBC records;
  - viii. providing contractor with one fully signed document;
- h. When delegated by the Commission, monitoring a contractor's work to ensure that services are performed and deliverables delivered according to the schedule in the contract.
- i. Preparing and filing administrative rules in a timely manner;
- j. Participating in training on applicable state laws, policies and other administrative training.

### 2.1.5 Interpersonal Skills

- a. Establishing and maintaining communications and good working relationships with all ORBC commissioners;
- b. Staying current on state, regional and national matters that affect Oregon caneberry growers and processors, then informing the chairperson in a timely fashion;
- c. Informing the chairperson in a timely manner of matters that need to be brought to the Commission's attention for discussion and action;
- d. Informing the chairperson in a timely manner of matters related to delayed assessments, food safety, grower or handler concerns and other subjects requiring the Commission's immediate attention;
- e. Establishing and maintaining good communications and working relationships with Oregon State University researchers and its extension offices that work with caneberry growers, with the Agricultural Research Foundation, with U.S. Department of Agriculture Agricultural Research Service, USDA National Agricultural Statistics Service, Oregon Department of Agriculture, and other organizations with interests in common with the Commission;
- f. Establishing and maintaining good communications and working relationships and acting as liaison with other industry organizations in the state, region and nation including, but not limited to Oregon Strawberry Commission, Oregon Blueberry Commission, National Berry Crop Initiative, North American Raspberry & Blackberry Association, California Strawberry Commission,

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Washington Red Raspberry Commission, and Northwest Center for Small Fruits Research; however, Contractor must obtain prior approval from Commission of all positions that may be taken on behalf of Commission;

- g. To the extent that the ORBC elects, collaborating with other commodity commissions;
- h. Establishing and maintaining good working relationships with, collaborating with, and consulting with the ODA Commodity Commission Oversight Program;
- i. Assisting ODA with recruitment of applicants for commissioner positions;
- j. Working with ODA to ensure that commissioners successfully complete mandatory trainings;
- k. Assisting ODA Commodity Commission Oversight Program with orientation of 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 Contract (Exhibit A).

**2.2.2** The ORBC's current administrative services contractor is not renewing its annual contract, which expires on June 30, 2020. The ORBC plans to extend the contract term of the current administrative services contractor through mid-August 2020 or longer in order to facilitate a smooth transition of the Commission's administrative work.

## **SECTION 3: PROCUREMENT REQUIREMENTS**

### **3.1 MINIMUM QUALIFICATIONS**

1. Available to begin providing administrative services to ORBC July 1, 2020 through June 30, 2021. Depending upon the Successful Proposer's availability, the ORBC may begin the contract June 8 for purposes of transition and on-boarding.
2. Experience in administrative work including financial reporting, arranging for meetings, writing reports or minutes, record-keeping, preparing and distributing communications, and monitoring timely and quality delivery of contracted services.
3. Experience administering volunteer organization(s), working with board members, carrying out direction and priorities set by a board, drafting meeting agendas and other meeting materials, delivering verbal and written reports.
4. Experience in organizing meetings or in event planning.
5. Knowledge or experience of budget processes, financial reporting, accounts receivable and bookkeeping processes.
6. Experience or familiarity with working with technical subjects such as bylaws, laws, government, government regulations, or research projects.
7. Excellent written and verbal communication skills including public speaking and reporting during meetings.
8. Proven success in prioritizing multiple time-sensitive tasks and meeting deadlines.
9. Ability to provide staff, office equipment, computer software compatible with ORBC's



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existing software, high-speed internet, data storage space and back-up system, file storage space, and phones with reliable voicemail system.

### 3.2 PREFERRED EXPERIENCE

1. Food industry and/or Agriculture experience.

### 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.

#### 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 \_\_\_\_\_

### 3.4 MINIMUM SUBMISSION REQUIREMENTS

#### 3.4.1 Overview of Proposal Submission

As used in this RFP, "Proposal" refers to the complete package of required materials submitted to the SPC, including Attachments A – F as described below. "Proposal for Services" refers to Attachment B only.

To be considered for evaluation, Proposal must contain each of the following elements

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(further detailed in Proposal Requirements, Section 3.5 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 to this RFP; label as Attachment D);
- E. Cost Proposal prepared with a bid that represents a base\* fee for administrative services (Label as Attachment E). Place your Cost Proposal in a sealed envelope marked with Proposer Name and RFP number. (\*The ORBC reimburses for materials and supplies, meeting rooms and catering for ORBC meetings, telephone, printing costs, travel, mileage, freight and postage, related to Commission business, and the required bond.);
- F. Key Persons, tasks each will do, and resumes for each (Label as Attachment F).

### **3.4.2 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 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 and the Proposer's name.

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

- A. Six (6) printed copies 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 3.5.2. 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 rejection by the Commission.

## **3.5 PROPOSAL REQUIREMENTS**

The 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.

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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. Proposals 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.

Provide the following information as it relates to the Scope of Work/Specifications listed in Section 2.1, pages 5-8. Answer all questions by addressing both the company and the person assigned to specific tasks, if applicable.

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

Provide a brief overview of your Proposal.

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

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

Describe your office facility, equipment and those who will provide administrative 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 capability for paper records of both a confidential and public nature, and
- VIII. Personnel support structure, if any.
- IX. Identify portions of the required administrative services that you may want to subcontract, if any.

#### **3.5.2.2 Evaluation Item 2 – Bookkeeping and Financial Management**

Identifying which computer software you used, describe your experience preparing and maintaining records of:

- I. Accounts payable and receivable, identifying who will handle which;
- II. Monthly financial reports;
- III. Bank reconciliations;
- IV. Annual financial reports;
- V. Describe your experience with preparing for and responding to audits;
- VI. Provide an example of a bookkeeping mistake you discovered and the steps you took to identify the error and to correct it;
- VII. Provide an example of analyzing several years of annual financial reports and identifying a fiscal trend that called for a decision by the client -- either increasing revenue or modifying spending. Be specific about how you identified the trend, who you reported it to, and what type of changes you recommended.

#### **3.5.2.3 Evaluation Item 3 – Communications and Meeting Planning**

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Describe your experience in:

- I. Writing and preparing reports, minutes, correspondence, newsletters: identify which computer software you used and describe your skill level with each;
- II. Verbal communication as it relates to public speaking, presenting reports, managing meetings or assisting someone who is managing a meeting;
- III. Organizing meetings and events;
- IV. Establishing and maintaining communication with board members, industry, government agencies, elected officials, and stakeholders.

### **3.5.2.4 Evaluation Item 4 – Time Management**

- I. Describe your time commitments and requirements to other clients. Include both current and any you anticipate adding during June 2020 through July 1, 2021;
- II. Describe the type of time management skills you use 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 management.

### **3.5.2.5 Evaluation Item 5 – Interpersonal Skills**

Describe your experience working with a variety of people, including:

- I. Boards of directors as a whole and volunteer board members;
- II. The public;
- III. Professional researchers;
- IV. Government staff and elected officials;
- V. Members of an organization or business that you provide administrative services to; and
- VI. Give an example of previous experience complying with rules, regulations, bylaws, policies and/or procedures.

### **3.5.2.6 Evaluation Item 6 – Preferred Experience**

Describe your experience, if any, in the food industry and/or agriculture.

### **3.5.2.7 References**

Provide names, emails and phone numbers for up to three (3) current or former clients (within the last 3 years). References must be able to verify the quality of related work.

## **3.5.3 Proposed Timeline for Provision of Services (label as Attachment C)**

Describe how you plan to meet the deadlines related to the Commission's administrative 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 administrative 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 ORBC's administrative services contractor.*

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Date	Major Work Elements	Notes
Periodically between September and May (no meetings during the summer months)	Regular meetings of the full Commission	With ORBC, determine six dates for meetings. Schedule meeting location and catering, draft agenda with chairperson, provide public notice, prepare and make copies of meeting packets which include financial reports and other materials, take notes, prepare draft minutes and follow-up on meeting actions and requests.
Sender must postmark by October 15  Sender must postmark by December 15	<p><u>Assessment Process</u> Prior to the dates listed, update assessment forms, send due-date reminders, and other administrative services.</p> <p>Receiving assessments involves record-keeping and bank deposits.</p>	<p>October 15<sup>th</sup> is the deadline for 18 first handlers and 6-10 growers to send the Commission the assessments on caneberries purchased between November 30 and August 31.</p> <p>Deadline of December 15<sup>th</sup> for purchases between September 1 and November 29.</p>
Mid-December	ORBC Annual Growers Meeting	Coordinate speakers, facility, catering, and pre-publicity for half-day meeting
Approximately January 15, April 15, July 15 and October 15.	Income Reports	Report total assessments and other funds received for the quarter. Email Excel form to ODA. Report required even when -0-.
Work occurs sporadically from November through February.	Research Proposals and Selection	RFP in November; deadline for research proposals in January; Committee review in February
Work occurs sporadically from February through late May. The mandatory public hearing notice requires publication a specific number of days before the budget hearing.	Budget Preparation & Adoption Process	Process includes drafting a budget, notification, public hearing, adoption of budget, notarizing budget affidavit, submitting required documents to ODA for authorization.
This work takes place approximately July 1 through July 18 and continues sporadically through September.	Year-end Financial Statement and other state-required financial and risk reports	State of Oregon requirement. Some forms provided by ODA about three weeks before due date.
Periodically January through March	Assist ODA with process of recruiting candidates for commissioner.	Verify which commissioner positions expire June 30 of that year. Outreach to berry growers and handlers who qualify to apply.

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June	Add newly appointed commissioner(s) to commission records.	ODA provides a copy of commissioner appointment letter(s) and application(s).
Prior to or during first Commission meeting of the new fiscal year	With ODA, provide an hour-long orientation to commissioners.	Orientation covers commission budgeting, selection process for research and promotional projects. Also covers Oregon public records and meeting law, Oregon ethics law.
Approximately September to late October	Assist newly appointed and reappointed commissioners to ensure successful completion of mandatory iLearnOregon training.	Governor requires all commissioners and public employees to complete training on specific state policies.

**3.5.4 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 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.

**3.5.5 Cost Proposal (label as Attachment E)**

In a separate sealed envelope labeled with the Proposer’s name and the RFP title, 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 \$65,000 that the Commission has budgeted as a maximum base cost. Do not include reimbursable items as part of the base fixed fee. The ORBC reimburses for materials and supplies, meeting rooms and catering for ORBC meetings, telephone, printing costs, travel, mileage, and freight and postage related to Commission business.

**3.5.6 Key Person(s), tasks each will do, and their resumes (label as Attachment F)**

Provide one page listing key persons to be assigned to this project, their name and title, area(s) of expertise, and which administrative services each would provide.

In addition, include a current resume for each individual who would provide administrative services. The resume, not to exceed two pages per person, needs to demonstrate qualifications and experience for the Work described. Include education and employment history as it pertains to administrative services to the commission.

**3.6 REFERENCE CHECK PROCEDURE**

References will be checked for the Proposals that received the top three scores subtotaled after evaluation of Evaluation Items 1 – 6 and Cost Proposal. SPC or ORBC Commissioner will make three attempts to contact each of the references provided by the Proposer. If these attempts are

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unsuccessful, the Proposer will receive a score of zero for that reference.

SPC or ORBC Commissioner may also check to determine if references 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.

## **SECTION 4: RFP SOLICITATION PROCESS**

### **4.1 PUBLIC NOTICE**

Notification of the availability of this RFP was mailed to the entities on the Oregon Agricultural Commodity Commission RFP Mailing List, advertised in appropriate periodicals including the Daily Journal of Commerce, and listed on Oregon-berries.com.

Addenda, if any, to this RFP will be posted to the ORBC website, Oregon-berries.com. 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.

### **4.2 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:

- Provide additional description of the project;
- Explain the RFP process; and
- 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 attend the pre-Proposal Conference:

Wednesday, February 19, 2020

9:00 a.m.

Food Innovation Center

2<sup>nd</sup> floor classroom

1207 NW Naito Parkway

Portland, OR 97209

### **4.3 QUESTIONS / REQUESTS FOR CLARIFICATION**

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

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conditions, or both, must:

- I. Be delivered to the SPC;
- II. Reference the RFP Title;
- III. List 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 Section 1.4, the RFP Schedule.

### **4.4 PROPOSAL DELIVERY**

Proposer is solely responsible for ensuring its Proposal, including any modifications or withdrawals, is received by the SPC before Closing deadline of 4 p.m. on April 2, 2020.

Commission and SPC are 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 or package. 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 of this RFP.

### **4.5 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 contractors, Commissioners, or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- III. Proposer attempts to inappropriately 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.

### **4.6 EVALUATION PROCESS**

#### **4.6.1 Responsiveness Determination**

The SPC will review each Proposal 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.



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### 4.6.2 Evaluation Criteria

Each Proposal that the Commission finds meets RFP requirements will be independently evaluated by members of the Commission’s Change of Administrator Committee. Committee members may change. Evaluators will assign a score for each evaluation criterion listed below in this section up to the maximum points available.

SPC may request further clarification to assist the Change of Administrator 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.

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
30	Evaluation Item 2 – Bookkeeping and Financial Management
20	Evaluation Item 3 – Communications & Meeting Planning
15	Evaluation Item 4 – Time Management
20	Evaluation Item 5 – Interpersonal Skills
<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

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<b>EVALUATOR USE THIS COLUMN WHEN 35 POINTS IS MAXIMUM SCORE</b>	<b>EVALUATOR USE THIS COLUMN WHEN 30 POINTS IS MAXIMUM SCORE</b>	<b>EVALUATOR USE THIS COLUMN WHEN 20 POINTS IS MAXIMUM SCORE</b>	<b>EVALUATOR USE THIS COLUMN WHEN 15 POINTS IS MAXIMUM SCORE</b>	<b>EVALUATOR USE THIS COLUMN WHEN 5 POINTS IS MAXIMUM SCORE</b>	<b>EXPLANATION</b>
35	30	20	15	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	29 - 19	19-12	14 - 9	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	18 - 7	11 - 5	8 - 4	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	6 - 1	4 - 1	3 - 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.

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### 4.6.2.1 Evaluation Item 1 – Office Facility and Equipment – 5 pts. maximum

- a. Is Proposer's computer software compatible with the software used by the Commission?
- b. What is the highest internet speed at Proposer's office?
- c. For both electronic and paper records, will the Proposer's storage system and capacity meet the Commission's needs?
- d. Is the Proposer's office located conveniently for Commissioners who sign checks and other documents?
- e. What, if any, personnel support structure does the Proposer have? How well will the Proposer's personnel structure meet the Commission's needs?

### 4.6.2.2 Evaluation Item 2 – Bookkeeping and Financial Management – 30 pts. maximum

- a. What software does Proposer use for bookkeeping and financial management; how many years' experience do they have in:
  - i. Preparing accounts payable and receivable;
  - ii. Preparing monthly financial reports (Balance Sheet, Accounts Payable, Monthly Transactions, Revenue & Expenditure Statement, Reconciliation of one (1) checking account, and presenting a verbal summary of those reports;
  - iii. Reconciling bank statements;
  - iv. Preparing annual financial reports and completing report forms as provided by others;
  - v. Preparing for and responding to an independent audit.
  - vi. Will the Commission be well-served by how accurately the Proposer has maintained their financial management system? Score the Proposer's example of a bookkeeping mistake that they discovered and the steps they took to identify the error and to correct it.
  - vii. Score the Proposer's example of analyzing several years of annual financial reports and identifying a fiscal trend that called for a decision by the client -- either increasing revenue or modifying spending. Proposers should be specific about how they identified the trend, whose attention they brought it to, and what type of changes they recommended.

### 4.6.2.3 Evaluation Item 3 – Communications and Meeting Planning – 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 reports, minutes, correspondence, newsletters. Does the computer software used and skill level with each software work well for the Commission?

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- c. Does the Proposal's description of their comfort level and experience with public speaking, presenting reports, managing meetings, or assisting someone who is managing a meeting suit the Commission's needs?
- d. How well does the Proposal explain their skills and experience for organizing meetings of boards and meetings for larger groups?

### **4.6.2.4 Evaluation Item 4 – Time Management – 15 pts. maximum**

- a. How well does Proposal respond to the table showing the Commission's major administrative work elements on pages 15-16 and their ability to balance competing priorities and multiple deadlines on work for other clients?
- b. How well does Proposal 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?

### **4.6.2.5 Evaluation Item 5 – Interpersonal Skills – 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?

### **4.6.2.6 Evaluation Item 6 – Preferred Experience – 5 pts. maximum**

- a. Does Proposer have any prior experience in the food industry and/or agriculture?
- b. How many years in the food industry and/or agriculture?
- c. Who did Proposer work for?
- d. What was Proposer's role?

## **4.6.3 Cost Proposal Evaluation**

Following scoring and ranking of Proposals based on the qualifications-based criteria (Evaluation Items 1 – 6), the Cost Proposals (labeled as Attachment E) will be scored by the SPC 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.

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### **4.6.4 Interview Process Evaluation**

The Proposals that received the top three scores subtotaled after the qualifications-based evaluation and Cost Proposal evaluation will be invited to prepare a brief presentation based upon the Evaluation Items.

The Commission will ask questions based upon the Evaluation Items. The total maximum points for the Interview Process is 35.

The Commission will provide the top three scoring Proposers with further details about the time of day for the April 14 interviews and other specifics, such as length of presentation and length of Interview Process. Interviews will be in person at the Food Innovation Center, 1207 NW Naito Parkway, Portland 97209; however, Commission may elect to conduct interviews via teleconference.

### **4.6.5 Reference Check Evaluation**

The Proposers that are invited to participate in the Interview Process will also have their references checked by the SPC or ORBC Commissioners. References will be asked to comment on Proposer's track record in performing the work identified in Section 2: Scope of Work and on Proposer's ability to perform the tasks identified in Evaluation Items 1 – 6.

## **4.7 POINT AND SCORE CALCULATIONS**

Scores are the points assigned by each evaluator.

The maximum possible points that each evaluator may award for each evaluation item are listed in the table below.

To determine a score for an individual Proposal, the SPC will calculate the average of each committee member's scores for each separate evaluation criterion.

Cost points are calculated as stated in Section 4.6.3: Cost Proposal Evaluation.

The Qualifications-Based Evaluation Score and Cost Proposal Score will be subtotaled for each Proposal. The Proposers that receive the top three (3) scores (Qualifications-Based Evaluation and Cost Proposal combined) will be invited to interview. The Interview score will be combined with the subtotal of Qualifications-Based Evaluation Score and Cost Proposal Score. References will be checked for those interviewed. After References are checked, Reference points will be added to the subtotal for each Proposal to arrive at a final score.

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<b>Maximum Possible Points</b>	<b>Qualifications-Based Evaluation Criteria</b>
5	Evaluation Item 1 – Office Facility and Equipment
30	Evaluation Item 2 – Bookkeeping and Financial Management
20	Evaluation Item 3 – Communications & Meeting Planning
15	Evaluation Item 4 – Time Management
20	Evaluation Item 5 – Interpersonal Skills
<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	<b>TOTAL POSSIBLE POINTS</b>

**4.9 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 proceed with Contract award, as Commission deems in its best interest.

**SECTION 5: AWARD**

**5.1 AWARD NOTIFICATION PROCESS**

**5.1.1 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 4.

**5.1.2 Intent to Award Notice**

Commission will notify all Proposers in Writing that Commission intends to award a 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

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regarding the Offeror'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.

### **5.2 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS**

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

#### **5.2.1 Insurance**

Prior to award, the apparent successful Proposer shall secure and demonstrate to Commission proof of insurance as required in the Sample Contract (Exhibit A, page 12), if any.

#### **5.2.2 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 Commission or when the backup withholding status or any other relevant information of Proposer has changed since the last submitted W-9 form, if any.

#### **5.2.3 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 Contract. Information about these requirements may be found at <http://sos.oregon.gov/business/pages/register.aspx>.

#### **5.2.4 Independent Contractor Certification**

When submitting a Proposal, the Proposer must certify that they are an Independent Contractor (see Section 3.3).

## **SECTION 6: ADDITIONAL INFORMATION**

### **6.1 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.

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### **6.2 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 exempt from disclosure.

All Proposals submitted in response to this RFP become the Property of 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.

### **6.3 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 Commission. 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.

### **6.4 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.

### **6.5 SAMPLE CONTRACT – (EXHIBIT A)**

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 Contract (Exhibit A), which is incorporated into this RFP by this reference.

### **6.6 ORBC BUDGETS FOR 2015-20 – (EXHIBIT B, INCORPORATED INTO THIS RFP BY THIS REFERENCE)**

### **6.7 ORBC ADMINISTRATIVE RULES ON ASSESSMENTS – (EXHIBIT C, INCORPORATED INTO THIS RFP BY THIS REFERENCE)**

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

### **6.9 LINKS**

ORBC Website: <https://oregon-berries.com>

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)



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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: [oda.direct/commissions](http://oda.direct/commissions)