

SECTION 4 AWARD AND NEGOTIATION

4.1 AWARD NOTIFICATION PROCESS

A. Intent to Award Notice

The District, if it awards a contract, shall award to the highest ranking Responsible Proposer based upon the evaluation criteria described in Section 3C – Selection Process. The District may award less than the full scope defined in this RFP. The District will notify all Proposers in writing of its intent to award a contract to the selected Proposer subject to successful negotiation of any negotiable provisions.

B. Protest of Notice of Intent to Award

An affected Proposer shall have seven (7) calendar days from the date of the intent to award notice to file a written protest and specify the grounds for the protest as set forth in ORS 279B.410(1).

Protests must be delivered to the SPC via email or hardcopy, reference the RFP name, identify the Proposer's name and contact information, be signed by an authorized representative, and specify the grounds for the protest. The District will address all timely submitted protests within a reasonable time and will issue a written decision to the respective Proposer.

4.2 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS

A. Insurance

Prior to the execution of the Contract, the apparent successful Proposers shall secure and demonstrate to Agency proof of insurance coverage meeting the requirements identified in the RFP or as otherwise negotiated.

B. Taxpayer Identification Number

The apparent successful Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form. District will not make any payment until a properly completed W-9 form is received.

C. Contract Negotiation

After selection of a successful Proposer, the District will negotiate the statement of work, pricing, methods of payment, inclusive of additional services. If an agreement cannot be reached, the District may open negotiations with the next ranked Proposer.

By submitting a Proposal, the Proposer agrees to comply with the requirements of the RFP, including terms and conditions of the Sample Contract and General Conditions (Attachment D & E). Proposer shall review the attached Sample Contract and note exceptions. Unless Proposer notes exceptions in its Proposal, the District intends to enter into a Contract with the successful Proposer substantially in the form set forth in Sample Contract.

Pursuant to OAR 137-049-0640(3), at the District's discretion, terms that may be negotiated in the RFP consist of details of Contract performance, methods of construction, timing, assignment of risk in specified areas, fee, and other matters that could affect the cost or quality of the Work, as well as the specific scope of pre-construction services, the GC Work, any Early Work and other construction Work to be performed by the CM/GC.

In any case, the District reserves the right to negotiate with the highest-ranked Proposer regarding the: