

REQUEST FOR PROPOSALS



**Marion County
Issues the Following
REQUEST FOR PROPOSALS
Enterprise Point of Sale System**

**Release Date: December 10, 2015
Proposals Due Date: 3:00 p.m. on January 12, 2016**

SECTIONS:

- I. Scope of Services and Background**
- II. Submission Requirements**
- III. Selection/Evaluation Process**
- IV. General RFP Conditions**
- V. RFP Mandatory Submission Forms**
- VI. Exhibits**

SCHEDULE OF EVENTS

Advertisement/Release of RFP – December 10, 2015
Deadline to submit questions – December 29, 2015 at 4:00 PM
Close date/time for RFP – January 12, 2016 at 3:00 PM
Review by Evaluation Committee Complete by – January 26, 2016
On-Site Presentations (if necessary) – February 2, 2016
Notice of award – February 9, 2016

The County reserves the right to adjust the above listed dates as necessary.

I. SCOPE OF SERVICES

INTRODUCTION

Marion County (County) is currently seeking qualified firms to provide an enterprise Point of Sale (POS) system for the County. The purpose of this RFP is to solicit proposals from organizations with expertise in working to establish POS systems with public agencies. All firms submitting proposals are referred to as Proposers in this document; after negotiations, the awarded Proposer will be designated as Contractor.

A. GENERAL INFORMATION

Located in the heart of the Mid-Willamette Valley, Marion County stretches from the Willamette River to the Cascade Mountains encompassing nearly 1,200 square miles. Most of its population of 320,495 can reach the Pacific beaches in less than two hours.

Marion County has 20 cities, including Oregon's capital, Salem. It is the largest producer of agriculture among Oregon's 36 counties. Marion County's economy is also based on government and education and includes 38 of the largest state agencies, along with Willamette University, Chemeketa Community College, and Corban University.

The Marion County government organization is headed by an elected Board of Commissioners and has 15 departments. Seven departments are headed by elected officials: Assessor, Board of Commissioners, Clerk, District Attorney, Justice Court, Sheriff, and Treasurer. The remaining eight departments are headed by appointed officials who report to the Chief Administrative Officer: Health, Community Services, Finance, Business Services, Information Technology, Juvenile, Legal Counsel and Public Works.

B. GENERAL OBJECTIVES / BACKGROUND INFORMATION

B.1 Overview

The goal is to obtain a POS system that provides standardization that can be used throughout County departments. Currently, there are approximately 20 department/divisions that do not have a POS system which are the focus of this RFP. These are located at 13 different sites and consist of 50 cashiering stations with an estimated 47,820 annual transactions.

Department/Division	Terminals (Work Stations)	Annual Transaction Volume	Location/Site
Public Works			Silverton Rd, Salem
-Administration	3	1700	
-Permits	2	1800	
-Planning	3	1050	
-Special Districts	1	600	
Sheriff's Office			
-Administration	2	10500	High Street, Salem
-Parole and Probation	2	18000	Aumsville Highway, Salem
-Parole and Probation	1	3000	Wolverine St, Salem
Treasurer's Office	3	0	Court Street, Salem
Health Department			
-Adult Behavioral	1	80	Center Street, Salem
-Billing	4	350	Lancaster Street, Salem
-Clinic - Salem	4	750	Lancaster Street, Salem
-Clinic - Stayton	1	50	Stayton
-Clinic - Woodburn	2	100	Woodburn
-Drug Treatment	3	900	Davcor Street, Salem
Juvenile Department	1	1040	Center Street, Salem
Assessor's Office	2	1500	Court Street, Salem
Board Of Commissioners	1	25	Court Street, Salem
Business Services	1	1000	Court Street, Salem
Community Services			Court Street, Salem
-Administration	2	400	
-Fair	2	800	
District Attorney			Court Street, Salem
-Adult Prosecution	3	3075	
-Support Enforcement	2	1000	
Finance	2	85	Court Street, Salem
Legal Counsel			
-Administration	1	15	Court Street, Salem
-Law Library	1		High Street, Salem
GRAND TOTAL	50	47820	

B.2 Contract Term.

The Contract is anticipated to start in January, 2016. The initial Contract term shall be for three (3) years. The parties may agree to extend the term of the Contract up to a maximum of two (2) additional years for a total term of five (5) years.

C. SCOPE OF WORK

C.1 Work; Acceptance Criteria; Deliverables and Delivery Schedule.

The purpose of the RFP is to find a Point of Sale solution that:

- provides one enterprise software solution for all cash, check, and credit card transactions;
- has strong cash management controls;
- provides consistent and standard reports of transactions across departments;
- has streamlined, accurate and available information for daily cash drawer and bank reconciliation;
- eliminates manual processes;
- reduces departmental workload by automating the flow of financial information to the Treasurer's office.

C.2 Special Considerations. The County server and desktop infrastructure consists mainly of a Microsoft Windows environment, with some Linux/Unix servers. The network supports several County facilities such as Public Works, Sheriff's Office and Jail, Courthouse Square and Health Department. Staff are equipped with computers running Microsoft Windows 7 and the internal browser standard is Internet Explorer 10+.

These facilities are primarily connected via fiber or T1's. The network infrastructure is primarily Cisco switches and routers. The network design is based on a campus type hub and spoke architecture. The network protocol is TCP/IP. The network delivers Internet, email, office automation, file and print services, enterprise and department-specific applications to all County departments. There are approximately 2,200 personal computers and approximately 3,200 telephones. The infrastructure has a VMWare based virtual server environment with a few supporting individual physical servers, and over 600 connected printers.

II. PROPOSAL SUBMISSION REQUIREMENTS

A. REQUIRED RESPONSE / QUALIFICATIONS

Each responsible Proposer shall respond to the Proposal Submission Requirements. Proposals received without the required information may be rejected as non-responsive.

A.1 Minimum Qualifications

The proposer shall have minimum 5 years of performing point of sale system services on similar sized projects with preferences to proposers with public sector experience.

A.2 Submission Requirements

A.2.1 The following describes the required response format necessary to be considered responsive to this Request for Proposals. The purpose of this section is to ensure uniformity in the submission of the proposal information essential to the understanding and evaluation of proposals.

A.2.2 A scope of proposed services which outlines the services anticipated to successfully install, test and implement a functioning POS system should be provided with the Proposer's submittal. The precise scope of services to be incorporated into the Agreement will be based upon the submitted proposal and the project description and may be the subject of negotiations between the County and the successful Proposer. Based upon the County outline of requirements for a system, the Proposer shall prepare a complete description of the scope of services which the Proposer intends to perform in order to achieve the project objectives of providing and functionally testing a complete POS system meeting the needs of the County. In addition, each submittal must include a tentative project schedule. This iteration should identify risks and other anomalies based on Proposer's experience and industry best practices.

A.2.3 There is a maximum 30 page limitation for the proposal submission documents. Resumes, mandatory submission forms, and supplemental information will not be counted in the maximum 30 page limitation. Any additional information that a proposer deems appropriate may be included and submitted as an additional section after the required responses.

A.2.4 The firm shall demonstrate to the County's satisfaction that the firm has the expertise and the ability to provide the services. The County will make such investigation as it deems necessary to determine the ability of the firm to provide the desired services. The County reserves the right to reject any proposal if the evidence submitted by the firm or discovered by the County upon investigation of the firm, fails to satisfy the County that the firm is properly qualified to carry out the obligations of the project.

A.2.5 The cost portion of the Proposal should outline cost for all software, materials, training, consultation, and all other items of expense required to get the POS system operational for the first user. A rate for additional users should then be provided. The purpose is for the County to establish the volume of users to become operational in the first year and any subsequent years.

A.3 Proposers must include a response to the following sections in their proposal.

- A.3.1 Firm History
- A.3.2 Personnel
- A.3.3 Experience
- A.3.4 Project Staffing
- A.3.5 Services
- A.3.6 Costs – Billable Rates

B. PROPOSAL SUBMISSION REQUIREMENTS

B.1 Method of Submission

B.1.1 Responses to the RFP shall be prepared by typewriter, computer, or in ink and shall be signed in ink by an authorized representative of the Company. Any alternations or erasures shall be initialed in ink by the person signing the RFP.

B.1.2 One copy (1) copy marked as original (signed in blue ink), signed by a representative of the Proposer who is authorized to bind the Proposer in contractual matters, five (5) copies of the proposal, and one digital copy of the proposal (flash drive or CD) shall be submitted in a sealed envelope/package. The outside of the envelope/package must be clearly marked with the following information: **“RFP for Enterprise Point of Sale System”** and include the company name and address of the proposer.

B.2 Closing Date, Time and Procedures

B.2.1 Sealed proposals will be received by the County up until, but no later than 3:00 PM (pacific time) on Tuesday, January 12, 2016. Deliveries must be made between the County’s normal business hours of 8:00 AM and 5:00 PM. Proposals submitted by hand delivery or courier are to be delivered to:

Marion County Finance
Attn: Jacob Clotfelter
555 Court Street NE, Ste. 4247
Salem, Oregon 97301

Or by mail to:

Marion County Finance
Attn: Jacob Clotfelter
PO Box 14500
Salem, Oregon 97309

B.2.2 Proposals that are received after the closing time will not be accepted for any reason. Delivery to an office other than the office identified above is not acceptable. If mailing a proposal, Proposer will allow enough time for the response to be received prior to the date and time of closing. Postmarks will not be considered. Facsimiles will not be accepted. It is

the Proposer's responsibility to ensure its Proposal is received by the County in sufficient time.

B.2.3 Submissions for the project must clearly respond to the elements listed above. The County reserves the right to request additional information from Proposers, in writing and/or in a meeting, pertaining to statements made within Proposer's proposal that Marion County feels is necessary for clarification purposes. Marion County shall have the right to disqualify any proposal as a result of the information gathered in its research.

B.2.4 The County reserves the right to accept one or more proposals, accept only portions of proposals, or reject all proposals at its option.

III. SELECTION/EVALUATION PROCESS

A. GENERAL

It is anticipated that the County will select a firm and award an Information Technology Products and Services Contract. The selection will be made on the proposals submitted and the evaluation criteria listed below. However, the County reserves the right to contact proposers to obtain information for clarification purposes during the evaluation phase.

An evaluation panel will be appointed to evaluate the proposals received. Each of the criteria listed below will be reviewed by the panel for the purpose of ranking proposals, based on how fully each proposal meets the requirements of the RFP. The evaluation panel has sole judgment during the evaluation process in determining the ranking of proposals.

The County also reserves the right to include additional steps deemed necessary in the evaluation process to select the highest ranked proposer. The County may utilize a two phase evaluation process as described below.

The County will evaluate and score each proposal on the criteria listed below for the purpose of ranking the proposals. After scoring is completed for Phase I, the County may identify a competitive range of up to the three highest ranking proposers to move into the competitive range Phase II. The County may increase the number of proposers in the competitive range if the County's evaluation of proposals establishes a natural break in the proposal scores indicating that more than three proposers are closely competitive or have a reasonable chance of being determined the most advantageous proposer. The County may decrease the number of proposers in the initial competitive range if the excluded proposers have no reasonable chance of being selected as the most advantageous proposer. The County shall provide written notice to all proposers identifying proposers in the competitive range.

If a competitive range is utilized, the proposers in the competitive range will be invited to participate in the oral presentation and interview process. Proposers not making the competitive range will have a seven (7) calendar day period to protest the selection of the competitive range. Protest procedures are further defined in Section IV General RFP Conditions. The final oral presentation, interview agenda, format and selection process will be provided to each proposer

selected for the competitive range at the time the interview is scheduled. The scores from Phase I and Phase II will be combined to determine the highest ranking proposer and if deemed to be the most advantageous, will be named as the apparent successful proposer.

All firms participating in the process will be notified of the results as set forth in the Schedule of Events on page 2 of this RFP.

B. EVALUATION CRITERIA AND SCORING

The County reserves the right to include additional steps deemed necessary in the evaluation process to select the highest ranked Proposer or award after Phase I evaluation if it is in the public's interest to do so.

B.1 Proposal Submission Requirements / Evaluation Criteria

Scoring will be based on firm's response to the requirements/questions described below. The Proposer must describe how Proposer meets the requirements that are specified in this RFP. For each item, restate each question and use the same numbering sequence below and then provide your response. Proposers must use the format prescribed and/or form supplied in this RFP when responding to Proposal Questions. Be clear and concise.

B.1.1 Compliance Review of Requirements and Documentation

In order to be considered as responsive, each proposal will be reviewed for compliance, ensuring that all requirements, documentation, signatures, mandatory submission forms, and project references are submitted.

- RFP Mandatory Submission Forms
- One (1) original signed Proposal in blue ink
- Five (5) copies of the Proposal
- One (1) digital copy of the Proposal (flash drive or CD)
- Proposal deadline met
- Minimum qualifications met
- Terms and Conditions do not include conditional language
- Minimum three (3) references provided

B.1.2 Evaluation Criteria and Points Awarded

Each submission will be evaluated on how well each proposal meets the qualification requirements as set forth in the criteria listed in Section B.2 below. The importance of each item is expressed as points awarded and will be combined to make up the total qualifications score.

B.1.3 Interviews/Presentations (optional)

The Proposers may be invited to participate in an interview and/or presentation process. If interviews/presentation process is utilized, the final interview/presentation agenda, format,

scoring, and selection process will be provided to each Proposer selected for the Competitive Range at the time the interview is scheduled.

B.1.4 Evaluation Scoring

The highest ranking Proposer will be determined by using a combination of the firm’s total scores for qualifications/technical approach response, cost proposal, references, plus the scoring criteria used to evaluate the interview/presentation step if utilized.

However, the County reserves the right to award a contract at the end of B.1.2 above, without moving into the interview/presentation process, if it is in the public’s best interest to do so. In the event interview/presentations are not necessary, the scoring for cost and timeline proposals will be factored into the qualifications/technical scores to determine the apparent highest ranking Proposer.

The County also reserves the right to include additional steps deemed necessary in the evaluation process to select the highest ranked Proposer.

<u>Evaluation Scores</u>	<u>Maximum Points</u>
Understanding of Requested Services/Project	25
Qualifications of the Firm	10
System Functional Checklist Score	25
Cost Proposal	25
References	15
Score	100
 Interviews (<i>optional</i>)	 50
Final Score	150

B.2 Proposal Submission Requirements/ Evaluation Criteria

Scoring will be based on the Proposer’s response to the requirements/questions described in this document. Proposals will include a letter of introduction that provides the name, address, telephone number, email address, and signature of the contact person responsible for providing clarification and who would be responsible for signing a contract. The letter of introduction shall also include a description of the structure of the Proposer’s firm and identify the key participating firms.

The Proposer must include a project organizational chart listing all key personnel (including subcontractors) and the firm represented. The Proposer must describe how Proposer meets the requirements that are specified in this RFP. For each item, restate each question and use the same numbering sequence below when providing responses. Proposers must use the format prescribed in this RFP when responding to proposal questions. Be clear and concise.

B.2.1. Understanding of Requested Services/Project

25 points

Describe your firm's approach to the scope of work. Include your firm's project completion timeline, training and education, and support services to include:

- Normal hours of availability
- Website support information
- Remote system access capabilities, preferred WebEx
- Access via toll free 800 number
- Quality assurance program(s)
- Guaranteed response time

Additionally, identify or describe the following for the software solution proposed:

- Licensing requirements including system software and user workstations.
- Software licensing model; i.e., concurrent usage, number of connections, or named users. Indicate how the usage is managed.
- Minimum hardware, operating system, and supporting software requirements to support the proposed solution.
 - VMWare compatible (preferably version 5.5)
 - County requires Windows 7 or higher and must be Windows 10 compatible
- County prefers MS SQL 2014, 2012 at a minimum and optimum workstation specification for the proposed system, including minimum browser requirements.
 - County prefers Internet Explorer 10 or greater and must be Internet Explorer 11 compatible
- The application programming interface (API) capabilities that the proposed system supports, including whether interface capabilities are part of the core solution or an extra add-on, with additional costs.
- The different security capabilities and permissions levels supported by the proposed solution.
- A list of other items not noted elsewhere that are required for implementation or maintenance of your system as well as an explanation of their benefits.
- System Architecture and Proposed System Diagram.
- Services to assist in deployment of the proposed solution including:
 - Implementation process for the proposed system
 - Training and assistance available for implementation
 - Estimated time and schedule for implementation, training and any required/optional data conversion.
 - Post implementation support and maintenance structure.

B.2.2. Qualifications of the Firm

10 points

Describe your firm's background and history, including number of years providing POS system services to clients, and specifically to government clients. Describe your role and experience working with public agencies on similar projects.

B.2.3. System Functional Checklist Score

25 points

This section will be based on the Proposer's responses in the submitted System Functional

Checklist (See Attachment D).

Compliance with High priority items will have a value of 3 points, Medium priority items have a value of 2 points and Low priority items will have a value of 1 point. Partial points may be given for “P” responses.

Complete and return the System Functional Checklist with your proposal, provided as Attachment D. Proposer shall indicate compliance with each specification with the methodology that follows:

“Y” for “Yes”, fully complies with specification.

“N” for “No”, does not comply with specification.

“P” for “Possible”, can be made to comply with specifications.

When a “P” for Possible is the response the Proposers shall provide an explanation in the Detailed Explanation column as to how their solution could meet this functionality. Please also identify any functionality that is available at an additional cost. Proposers may attach additional sheets as necessary to provide a more detailed explanation of their response to items, denoting by Item # the item to which they are referring.

Proposer’s score will be based on a percentage of the points achieved compared to points available. For example, if a Proposer scores 165 of the possible 171 points available in the System Features/Functionality Checklist they have achieved 94.3% of the possible points, their score would be $(165/171) * 25 = 24.1$

B.2.4 Cost Proposal

25 points

Submit a detailed Cost Proposal that includes all identifiable costs associated with the proposed POS system for the County. The Cost Proposal shall outline the specific rates for software, training, consultation, user license fees, and any other item of expense necessary for a POS system.

B.2.5 Reference Checks for the Proposer’s Company

15 points

Proposer shall provide a minimum of three (3) References that can rate Proposer’s performance, in these categories:

1. Timeline & budget (including number of change orders, total cost outcome)
2. Experience of firm (including quality of work, functionality and outcome of project, follow-through on warranty(s))
3. Satisfaction with implementation
4. Training, education and software support
5. Experience of implementation team and support staff

County reserves the right to request references in addition to those provided by the Proposer, to investigate any references whether or not furnished by the Proposer, and to investigate the past performance of any Proposer. County may investigate the qualifications of a Proposer, including but not limited to: successful performance of similar services; compliance with specifications and contractual obligations; completion or delivery of services on schedule; and lawful payment of suppliers, subcontractors, and workers. County may postpone the award or execution of the

Contract after the announcement of the apparent successful Proposer in order to complete its investigation.

The committee may make up to three attempts to contact each of the reference sources. These attempts shall be made during normal business hours. If the three attempts are unsuccessful, the Proposer shall receive zero points for that Reference source.

Each reference that is contacted and questioned shall be asked questions from the categories above.

IV. GENERAL RFP CONDITIONS

A. REQUEST FOR CHANGE/CLARIFICATION

All requests for changes, clarification, questions, and/or comments regarding this Request for Proposal must be submitted **in writing** no later than seven (7) calendar days prior to the RFP closing date. All written requests are to be sent to the single point of contact below:

Jacob Clotfelter
Finance Department
PO Box 14500
Salem Oregon 97309
Phone number: (503) 588-5047
jclotfelter@co.marion.or.us

B. EXECUTION OF THE PROPOSAL

B.1 If the proposal is made by a partnership, it shall be executed in the name of the partnership followed by the signature of an authorized partner.

B.2 If the proposal is made by a corporation, it shall be executed in the name of the corporation followed by the signature of the officer authorized to sign for the corporation and the printed or typewritten designation of the office that the officer holds in the corporation.

B.3 If the proposal is made by a joint venture, it shall be executed by each participant of the joint venture.

B.4 The address of the proposer shall be typed or printed on the proposal.

C. FORMAL PROPOSALS

Proposals, which are incomplete, conditioned in any way, or which contain erasures, alterations or irregularities of any kind may be rejected if in the best interest of Marion County.

D. FORM OF CONTRACT

A sample Information Technology Products and Services Contract is attached to this RFP document as

Exhibit A. If a contract is awarded, it is anticipated that contract will closely resemble this document including “supporting documents.” The ‘supporting documents’ will include, but are not limited to the RFP document, the proposer’s written proposal, any required certificates, and all other documents incorporated by reference therein.

E. WITHDRAWAL OF PROPOSAL

At any time prior to the date and hour set for the receipt of proposals, a proposer may withdraw its proposal. Withdrawal will not preclude the submission of another proposal prior to the hour and date set for the opening of the proposal.

F. INCURRING COSTS

Neither the county, nor its agents, are liable for any cost incurred by proposers prior to issuance of an agreement, contract, or purchase order.

G. ADDENDA

G.1 In the event that it becomes necessary to revise any part of this RFP, it will only be done by written addendum. Addenda will be posted on the County’s Website: <http://www.co.marion.or.us/FIN/Pages/contracts.aspx> under the RFP Enterprise Point of Sale link. It is the proposer’s responsibility to monitor the website weekly for posted addenda to the RFP. Proposers shall check the website daily the week prior to the closing deadline. The County will not issue addenda less than 72 hours prior to closing unless the addendum also extends the closing date. All prospective proposers will receive a copy of any and all addenda issued for the RFP. Proposers are required to provide receipt and acceptance of all addenda with their proposal. The Proposal Form – Attachment A, includes a location for all Proposers to record all written addenda numbers and date issued to comply with this requirement. Addenda must be noted on the Proposal Form. Failure to include acknowledgement of issued addenda for this RFP may be cause to declare the Proposer non-responsive.

G.2 The RFP, including all Addenda and Attachments, will be posted on the Oregon Procurement Information Network System (ORPIN). County is not required to mail the RFP, its Addenda or Attachments. Notification of any substantive clarifications provided in response to any question will be provided and published at the ORPIN web site below. For complete RFP documentation please go to the ORPIN web site: <http://orpin.oregon.gov/open.dll/welcome> and view **Marion County Opportunity** number **C25102-TEPOS2-15**.

Addenda are incorporated within the RFP and may be viewed and downloaded on ORPIN by registered suppliers. Proposers should consult ORPIN regularly until Closing to ensure that they have not missed any Addenda announcements.

Any oral communications shall be considered unofficial and non-binding. Proposers shall rely only on written statements issued by the County.

H. ACCEPTANCE OF PROPOSAL CONTENT

The contents of the proposal of the successful proposer will become contractual obligations if acceptance action ensues. Failure of the successful proposer to accept these obligations may result in cancellation of the award. Only those proposers who submit complete information as required by this RFP will have their proposals considered for evaluation.

I. ECONOMY OF PREPARATION

Proposals should be prepared simply and economically, providing a straightforward, concise description of proposer capabilities to satisfy the requirements of the RFP. Special bindings, colored displays, promotional materials, etc. are not desired. Emphasis should be on completeness and clarity of the content.

J. PUBLIC RECORDS/CONFIDENTIAL OR PROPRIETARY INFORMATION

All Proposals are public record and are subject to public inspection after County issues the Notice of the Intent to Award. If a Proposer believes that any portion of its Proposal contains any information that is a trade secret under ORS Chapter 192.501(2) or otherwise is exempt from disclosure under the Oregon Public Records Law ORS Chapter 192, Proposer shall complete and submit the Trade Secret Form (Attachment B) and a fully redacted version of its Proposal.

Proposer is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law ORS Chapter 192 and identifying the Proposal, in whole, as exempt from disclosure is not acceptable. County advises each Proposer to consult with its own legal counsel regarding disclosure issues.

If Proposer fails to identify the portions of the Proposal that Proposer claims are exempt from disclosure, Proposer has waived any future claim of non-disclosure of that information.

K. FORFEITURE OF THE CONTRACT

The resulting contract may be canceled at the election of Marion County for any willful failure or refusal to faithfully perform the contract according to its terms as herein provided.

L. INSURANCE REQUIREMENTS

The apparent successful Proposer shall provide all required proofs of insurance to County within seven (7) calendar days of the Intent to Award Notice. Failure to present the required documents within the seven (7) calendar-day period may result in proposal rejection. Proposers are encouraged to consult their insurance agent(s) about the insurance requirements contained in the RFP prior to proposal submission.

M. EQUAL OPPORTUNITY ACTION POLICY

The proposer agrees to comply with the Civil Rights Act of 1964, and 1991, Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, and Title VI as

implemented by 45 CFR 80 and 84 which states in part, No qualified person shall on the basis of disability, race, color, or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which received or benefits from federal financial assistance.

N. PROTESTS

N.1 Protest of Solicitation

N.1.1 A prospective proposer may protest the procurement process or the solicitation document for a contract solicited under ORS 279B.055, 279B.060 and 279B.085 as set forth in ORS 279B.405(2). Before seeking judicial review, a prospective proposer must file a written protest with the County and exhaust all administrative remedies.

N.1.2 In addition to the information required in ORS 279B.405(4), a prospective proposer's written protest shall include a statement of the desired changes that the proposer believes will remedy the conditions upon which the proposer has based its protest. All protests must be delivered in writing to the County not less than ten (10) days prior to the set closing date for the solicitation.

N.1.3 The County shall not consider any protest submitted after the timeline identified above. The County shall issue a written disposition of the protest in accordance with the timeline set forth in ORS 279B.405(6). If the County upholds the protest, in whole or in part, the county may in its sole discretion either issue an addendum reflecting its disposition or cancel the procurement or solicitation.

N.2 Protest of Competitive Range

N.2.1 A prospective proposer may protest the exclusion from the competitive range or from subsequent tiers or steps of the solicitation for a contract solicited under ORS 279B.055, 279B.060 and 279b.085 as set forth in ORS 279B.405(2). Before seeking judicial review a prospective proposer must file a written protest with the County and exhaust all administrative remedies.

N.2.2 In addition to the information required in ORS 279B.405(4), a prospective proposer's written protest shall include a statement of the desired changes that the proposer believes will remedy the conditions upon which the proposer has based its protest. All protests must be delivered in writing to the County not less than seven (7) days after the notice of competitive range.

N.2.3 The County shall not consider any protest submitted after the timeline identified above. The County shall issue a written disposition of the protest in accordance with the timeline set forth in ORS 279B.405(6). If the County upholds the protest, in whole or in part, the County may in its sole discretion either issue an addendum reflecting its disposition or cancel the procurement or solicitation.

N.3 Protest of Contract Award

N.3.1 A proposer may protest the award of a contract or the intent to award a contract, whichever comes first, if the conditions set forth in ORS 279B.410(1) are satisfied. A proposer must file a written protest with the County and exhaust all administrative remedies before seeking judicial review of the County's contract award decision.

N.3.2 A proposer must deliver a written protest to the County within seven (7) days after issuance of notice of intent to award the contract. A proposer's written protest shall specify the grounds for the protest to be considered by the County pursuant to ORS279B.410 (2).

N.3.3 The County shall not consider any protest submitted after the timeline identified above. The County shall issue a written disposition of the protest in a timely manner as set forth in ORS 279B.410(4). If the County upholds the protest, in whole or in part, the County may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

O. Cooperative Purchasing

O.1 Pursuant to the intent of Oregon Revised Statutes, Chapter 279A.200, any publicly funded city, county, district, agency or similar entity shall have the authority to purchase specified goods/services directly from contractor under the terms and conditions of this contract.

O.2 The proposer agrees to extend identical pricing and services to other public agencies for the same terms.

O.3 Each contracting agency will execute a separate contract with the successful proposer for its requirements. Any ordering and billing shall take place directly between the proposer and such entity.

O.4 Any proposer, by written notification at the time of the proposal due date and time, may decline to extend the prices, services and terms of this proposal to any, and/or all other public agencies.

P. MARION COUNTY RESERVES THE RIGHT TO:

- Reject any and all proposals
- Amend the RFP
- Waive any irregularities or informalities in any proposals
- Extend the deadline for submission of proposals
- Not award a contract for the requested services
- Accept the proposal deemed to be the most beneficial to the public and Marion County

SECTION V. ATTACHMENTS AND EXHIBITS

A. RFP Mandatory Submission Forms

Proposer shall complete, sign and return Attachments A-D with the Proposer's submission package. Failure to do so may result in the Proposal being deemed to be non-responsive and not considered for award.

Attachment A – Proposal Form (signature required)

Attachment B – Trade Secret Form (signature required)

Attachment C – Organization Identification/Responsibility (signature required)

Attachment D – System Functional Checklist

Attachments A-D are attached hereto and incorporated herein by reference.

B. Exhibits

By submitting a proposal to this RFP, proposer shall accept all terms and conditions of the Contract as show in Exhibit A (Sample Information Technology Products and Services Contract) and Exhibit B (Insurance Requirements). Exhibits A-B are attached hereto and incorporated herein by reference.

Attachment A
Proposal Form
RFP: C25102-TEPOS2-15
Due Date: 3:00 P.M. On January 12, 2016

The undersigned further acknowledges, attests and certifies individually and on behalf of the Proposer that:

1. This Proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the county; and that the Proposal is made without any collusion with any person making another Proposal on this Contract.
2. Information and prices included in this Proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The undersigned recognizes that this is a public document and open to public inspection.
4. The Proposer acknowledges receipt of all Addenda ___ through _____ issued under this RFP.
5. The Proposer certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
6. The Proposer, acting through its authorized representative, has read and understands all RFP instructions, specifications, and terms and conditions contained within the RFP and all Addenda, if any.
7. The Proposer agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the RFP, including all Addenda, if any.
8. The Proposal submitted is in response to the specific language contained in the RFP, and Proposer has made no assumptions based upon either (a) verbal or written statements not contained in the RFP, or (b) any previously-issued RFP, if any.
9. The Proposer agrees that if awarded the Contract, Proposer shall be authorized to do business in the State of Oregon at the time of the award.
10. County shall not be liable for any claims or be subject to any defenses asserted by Proposer based upon, resulting from, or related to, Proposer's failure to comprehend all requirements of the RFP.
11. The County shall not be liable for any expenses incurred by Proposer in either preparing and submitting its Proposal, or in participating in the proposal evaluation/selection or Contract negotiation process, if any.

12. The signatory of this Proposal Cover Sheet is a duly authorized representative of the Proposer, has been authorized by Proposer to make all representations, attestations, and certifications contained in this Proposal document and all Addenda, if any, issued, and to execute this Proposal document on behalf of Proposer.
13. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Proposer that all contents of this Proposal Form and the submitted Proposal are truthful, complete and accurate. Failure to provide information required by the RFP may ultimately result in rejection of the Proposal.

THIS OFFER SHALL BE SIGNED IN BLUE OR BLACK INK BY AN AUTHORIZED REPRESENTATIVE OF THE PROPOSER; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF PROPOSER'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: _____

Print Name: _____

Title: _____

Contact Person (Type or Print): _____

Telephone Number: (____) _____

Fax Number: (____) _____

ATTACHMENT B

Trade Secrets Form

1. I am an employee of the Proposer, I have knowledge of the Request for Proposals referenced herein, and I have full authority from the Proposer to submit this Trade Secret Form and accept the responsibilities stated herein.
2. I am aware that the Proposer has submitted a Proposal, dated on or about January 12, 2016 (the "Proposal"), to Marion County in response to Request for Proposals C25102-TEPOS2-15, for enterprise point of sale system services and I am familiar with the contents of the RFP and Proposal.
3. I have read and am familiar with the provisions of Oregon's Public Records Law, Oregon Revised Statutes ("ORS") 192.410 through 192.505, and the Uniform Trade Secrets Act as adopted by the State of Oregon, which is set forth in ORS 646.461 through ORS 646.475. I understand that the Proposal is a public record held by a public body and is subject to disclosure under the Oregon Public Records Law unless specifically exempt from disclosure under that law.
4. I have reviewed the information contained in the Proposal. The Proposer believes the information listed in Exhibit A is exempt from public disclosure (collectively, the "Exempt Information"), which is incorporated herein by this reference. It is my opinion that the Exempt Information constitutes "Trade Secrets" under either the Oregon Public Records Law or the Uniform Trade Secrets Act as adopted in Oregon because that information is either:
 - A. A formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:
 - i. is not patented,
 - ii. is known only to certain individuals within the Proposer's organization and that is used in a business the Proposer conducts,
 - iii. has actual or potential commercial value, and
 - iv. gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
 - or
 - B. Information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:
 - i. Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
 - ii. Is the subject of efforts by the Proposer that are reasonable under the circumstances to maintain its secrecy.
5. I understand that disclosure of the information referenced in Exhibit A may depend on official or judicial determinations made in accordance with the Public Records Law.

Proposer Signature

RFP C25102-TEPOS2-15 Enterprise Point of Sale System

Proposer identifies the following information as exempt from public disclosure:

Attachment C
Organization Identification/Responsibility
RFP: C25102-TEPOS2-15
Due Date: 3:00 P.M. On January 12, 2016

ORGANIZATION NAME: _____

PRINCIPAL: _____
Name / Title

ADDRESS: _____

TELEPHONE: _____

The information provided in this form is part of the County's inquiry concerning proposer responsibility pursuant to ORS 279B.110 for general procurement of goods and services. Please print clearly or type.

Answer all questions. Submission of a form with unanswered questions, incomplete or illegible answers may result in a finding that you are not a responsible proposer. This document will become part of your response to the solicitation and will be subject to Oregon Public Records laws. Any information that may be considered confidential, must be marked according to instructions in the solicitation document.

Submit completed form with other proposal forms as specified in Solicitation Document.

1. Is your company a Resident Oregon Bidder/Proposer as defined in ORS 279A.120?
 Resident Non-resident

Note: "Resident bidder" means a bidder that has paid unemployment taxes or income taxes in the state of Oregon during the 12 calendar months immediately preceding submission of the bid, has a business in this state and has stated in the bid whether the bidder is a "resident bidder". (ORS 279A.120(1)(b).

2. During the past five years, has a judgment every been made against the Firm for breach of contract?
 Yes No
If yes, explain. _____

3. Has your firm ever been at any time in the last ten years the debtor in a bankruptcy case?
 Yes No
If yes, explain. _____

4. Does your firm have any outstanding judgments pending against it? Yes No
If yes, List court cases. _____

-
5. Have you or any of your affiliates discontinued business operations with outstanding debts?
 Yes No
If yes, explain. _____
-

Declaration and Signatures

The undersigned hereby declares that he or she is duly authorized to complete and submit this Organization/Responsibility Form and that the statements contained herein are true and correct as of the date set forth below. Incomplete, incorrect or misleading information will be reason for a determination by the County of non-responsibility.

Date: _____

By: _____
(Signature of authorized official)

Name: _____
(Please type or print)

Title: _____
(Please type or print)

For: _____
(Firm's name) (Please type or print)

Business Organization: (Check one)

- | | |
|--|--|
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Sole Proprietor |
| <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Other _____ |