



100 West 13th Avenue, Eugene, OR 97401 • PH 541-682-3755 • FAX 541-682-3411

Homes. People. Partnerships. Good. [www.homesforgood.org](http://www.homesforgood.org)



## REQUEST FOR PROPOSALS

Construction Management/General Contracting Services  
For Permanent Supportive Housing at 1100 Charnelton Street in Eugene, Oregon

ISSUE DATE: June 10, 2020

DUE DATE: July 6, 2020 by 4:00 PM

RFP CONTACT: Nora Cronin  
Project Development Manager  
Homes for Good  
100 West 13<sup>th</sup> Ave  
Eugene, OR 97401  
Phone: 541-682-2521  
Email: [ncronin@homesforgood.org](mailto:ncronin@homesforgood.org)

DOCUMENT AVAILABILITY: Electronic copy of the RFP and all associated documents will be available on the Homes for Good web site ([www.homesforgood.org](http://www.homesforgood.org)) beginning June 10, 2020. If the RFP is downloaded from the website, Homes for Good requests that an email indicating interest in the solicitation be sent to the RFP Contact in order to be added to the Prospective Responders List and to receive addenda.

## SECTION I: INTRODUCTION

### A. Overview

Homes for Good Housing Agency, formerly HACSA, the Housing Authority and Community Services Agency of Lane County (Agency), invites licensed and bonded General Contractors in the State of Oregon to submit their qualifications for Construction Management/General Contractor (CM/GC) services for the pre-construction and construction phases of a new affordable 4-story, 45 unit apartment building on approximately 0.44 acres, located at 1100 Charnelton Street in Eugene, Oregon.

Agency is seeking a CM/GC firm to coordinate and manage the building process as a member of a team with the Owner, Architect, and other project consultants. The CM/GC must be skilled in developing schedules, preparing construction estimates, performing value engineering and constructability reviews, analyzing alternative designs, studying labor conditions, understanding construction methods and techniques, monitoring and documenting costs, and coordinating and communicating with other team members through the design and construction phases. In addition, the CM/GC must be familiar with the local labor and subcontracting market, be capable of working with subcontractors to generate viable pricing alternatives, and be familiar with construction of public and essential facilities.

Agency intends to select a single CM/GC for the contemplated work at the 1100 Charnelton Street Site. The Agency intends to enter into a CM/GC Contract with the selected CM/GC firm that will include **Preconstruction Services** and identification of a **CM/GC Fee and Fixed Costs** for **General Conditions Work**, with provisions for adding **Construction Services** through acceptance of a Guaranteed Maximum Price (GMP) by contract amendment. The amendment would include construction services through completion of the Project.

### B. The Project

This housing development is intended to serve individuals experiencing homelessness. Homes for Good Housing Agency is leading the effort to develop 45 units of a new permanent supportive housing apartment on a 0.44-acre property on 1100 Charnelton Street. The site consists of 3 tax lots, is zoned C-2, Commercial and is currently owned by West 11<sup>th</sup> Holdings LLC and West 11<sup>th</sup> Apartments LLC. There is an existing building on the site that will be demolished to make room for the new apartments. The development will be one 4-story building consisting of 45 studio apartments, community space, landscaping, parking and associated infrastructure.

Agency intends to use resources from Oregon Housing and Community Services Department (OHCS) and other financial subsidies necessary to develop the project. Agency must obtain reliable design and cost estimates for project construction. Additionally, design will need to meet OHCS and accessibility requirements, and be continually coordinated with the City of Eugene.

The estimated timeline is to start construction by May of 2021. The Architectural Firm, Bergsund DeLaney Architecture & Planning, has already started schematic design work. Agency expects the CM/GC selected through this RFP to begin pre-construction services upon funding award notification, which is expected the first week of August 2020.

### C. Construction Methodology

Under the CM/CG form of contracting, the CM/GC firm is hired at the beginning of the project to assist with design considerations, administrative coordination, scheduling, budget estimating, constructability review, and value engineering. The CM/GC provides these services, as well as management of the construction, for a negotiated fee. In addition, the CM/GC method provides, during the design process, a guaranteed maximum price (GMP) for the full value of the construction, backed up by a full performance and payment bond. Subject to parameters described within the contract, subcontracted work will be competitively bid by the CM/GC firm, with the oversight of the Agency.

The CM/GC process is being used, in part, in order to meet the requirements established by the OHCS Funding Application for reliable and detailed project cost estimates. In addition, the CM/GC firm assists in achieving a cost-efficient, energy-efficient and easily maintained project design. The total project cost will be kept within budget through the guaranteed maximum price, for which there is a contractual agreement well before the project goes to construction.

## SECTION II: SCOPE OF SERVICES

Agency is seeking a Construction Management/General Contractor (CM/GC) to coordinate and manage the building process as a member of a team with the Owner, Architect and other project consultants. The CM/GC should be skilled in developing schedules, preparing construction estimates, performing value engineering, understanding construction methods and techniques, sequencing of work, and collaborating throughout the design and construction phases. The CM/GC must be familiar with the local labor and sub-contracting market, be capable of working with sub-contractors to generate viable pricing alternatives, and possess experience in working with public sector construction and public contract laws. The CM/GC must be knowledgeable and experienced in low-cost residential construction, commercial construction, techniques, materials and contractors, and demonstrate expertise with multi-story wood frame construction and sustainable building techniques.

The CM/GC will serve as general contractor for the project, at-risk. If Agency is successful in obtaining financing for the project, further design development will be carried out and the CM/GC will provide Agency with a not-to-exceed price for the actual construction work (Cost of the Work). The not-to-exceed price for actual construction plus the CM/GC's fee (which is a bid percentage fee x the maximum cost of the work) shall be defined as the Guaranteed Maximum Price (GMP). The Cost of the Work will include a contingency amount as approved by Agency. The GMP shall be within the Agency's construction budget.

The CM/GC will be required to provide insurance and performance and payment bonds equal to 100% of the GMP, from a surety qualified in the State of Oregon. The CM/GC will publicly and competitively bid all the work of the project to subcontractors. The subcontracts will be between the CM/GC and the subcontractors. The schedule for the project will be guaranteed by the contract between the Agency and the CM/GC. The contract with the CM/GC will contain liquidated damages provisions, in the event of late completion.

The actual cost of the construction plus the contingency, less CM/GC's fee, shall be called the Cost of the Work. By executing a GMP amendment to the contract, the CM/GC guarantees that the Cost of the Work plus the CM/GC fee shall not exceed the GMP. Should the Cost of the Work plus the CM/GC fee be less than the GMP, any such positive difference including any remaining contingency, shall be realized as "savings" to Agency at the

end of the project. Although it is the intention of the Agency to save money on the project if at all possible, the Agency reserves the right to work with the CM/GC and Project Architect to use anticipated savings to build additional components of the project as needed. Within the GMP, the CM/GC shall include all costs, except those specifically excluded, for producing a fully functioning project, to the level of scope defined by the outline specifications produced as part of the GMP negotiation.

The Agency has selected Bergsund DeLaney Architecture and Planning as the Architects for this development. They have begun design schematics for this project. Bergsund DeLaney will subcontract with a Design Team. The CM/GC will be consulted in this process. The Architect, through their Design Team, will provide the following basic services: Architecture, Civil Engineering, Landscape Architecture, and Structural Engineering. The Design Team will provide performance specifications for Mechanical, Electrical, Electrical Low-Voltage Systems, and Plumbing Engineering. The Fire Sprinkler and Fire Alarm systems designs, along with Mechanical, Electrical, Electrical Low-Voltage Systems, and Plumbing, will be provided as a Design/Build service by the CM/GC.

Construction Services for this project will include, but are not limited to, the following:

**A. PRE-CONSTRUCTION PHASE (SCHEMATIC DESIGN)**

1. Provide preliminary evaluation of the program design concept and project budget requirements. Review schematic design concept to prepare estimate of construction cost in the format required by the OHCS Application. Provide cost evaluations of alternative materials and systems. Provide estimate of construction costs in format required by OHCS.
2. Coordinate Design/Build subcontractors work with Design Team to provide schematic designs for their respective trades.
3. Work with Agency to evaluate sustainable building techniques or approaches.
4. Develop a project construction schedule.
5. Advise Agency and Project Architect on site and improvements, selection of materials, building systems and equipment, and methods of project delivery. Provide recommendations on relative feasibility of construction methods, availability of materials and labor, time requirements for procurement, installation and construction.
6. With the Architect and Agency, develop a strategy for obtaining building permits in a timely fashion.
7. Advise the Agency in working through environmental issues and continue consulting with Agency and Architect in refining the project construction budget.

**B. PRE-CONSTRUCTION PHASE (DESIGN DEVELOPMENT)**

1. Monitor estimate of construction cost based on design documents prepared by the Architect. Review plans and specifications on a continuous basis and advise the Architect and Agency whenever the estimated construction costs are expected to exceed the estimated budget. In a timely fashion, provide the Architect with alternatives that will bring the project cost within budget. Continually update the project cost.
2. Review architectural, civil, landscape architecture, mechanical, plumbing, electrical, and structural plans and make value engineering and constructability recommendations.
3. Update as necessary the construction time schedule so that at the completion of the design development phase, an accurate detailed construction time schedule will be developed.

4. Cooperate fully in the development and execution of a guaranteed maximum price (GMP) for the Cost of Work.
5. Review all design and specification documents for completeness, proper details, adherence to codes or applicable agency requirements.
6. Assist the Architect in project development, including uniform documentation, uniform material and equipment selection procedures, and economic uniform maintenance criteria.
7. Maintain an accounting system for effective fiscal control, including a detailed cost estimate and a monthly status report with budget recommendations.
8. Attend meetings as required with the Owner and Design Team members during this phase of the work.

#### **C. PRE-CONSTRUCTION PHASE (CONSTRUCTION DOCUMENT/BIDDING)**

1. Continue reporting as described in earlier phases.
2. Advise on the separation of the project into contracts for various categories of work. Make recommendations to provide that (a) the work of the separate contractors is coordinated; (b) all requirements for the project have been assigned to the appropriate separate contract; (c) the likelihood of jurisdictional disputes has been minimized.
3. Refine project construction schedule. Analyze and recommend a schedule for submission of building permit applications and purchase of materials and equipment requiring longer than normal lead time procurement. Expedite and coordinate delivery of these purchases as necessary.
4. Print copies of the Construction Documents and submit all building permit applications and associated documents. Retain copies of permits for Agency's permanent files. The basic Fire and Life Safety Building Permit Fee and any Systems Development Charges will be paid for by Agency. The CM/GC will pay for all other permit fees, including but not limited to mechanical, electrical, plumbing and fire department permits.
5. Assemble drawings and specifications provided by the Design Team into bid packages, according to the contractual requirements and Owner procedures. Ensure that all bid packages, including those early packages that are developed during Design Development, are within budget. Prepare a final construction estimate for each bid package before it goes to bid. Review and report on all bids against these final estimates. Update total project budget. Develop bidders' interest in the project. Establish bidding schedules and issue digital copies of the bidding documents to area plan centers and subcontractor bidders. Advertise the work and provide outreach to potential bidders. Conduct pre-bid conferences if necessary. Receive subcontractor bids and analyze bids.
6. Provide supplementary materials as necessary to aid Agency in securing or finalizing project financing.
7. Attend meetings with the Owner and Design Team members.

#### **D. CONSTRUCTION PHASE**

1. Attend regular Owner's meetings to review the progress of the work.
2. Fully coordinate the work of all subcontractors and vendors. Provide regular and on-going quality inspection and assistance to the Architect in ensuring that the work meets all specifications and applicable codes.

3. Submit written progress reports to Agency and maintain project logs for requests for information, submittals, changes to the scope, and identified deficiencies.
4. Review and expedite all change order requests, both included within the GMP and involving a change to the GMP. Provide a detailed cost analysis of all proposed subcontractor costs. Negotiate with subcontractors to bring their costs in line with the CM/GC's estimate. Ensure that all change orders and proceed orders receive the Owner's prior approval before the execution of work and that all costs are either on a lump sum basis or a time and materials (T&M) basis with a not-to-exceed (NTE) limit. No T&M work shall occur without a NTE limit. For work performed on a T&M or unit basis, monitor and ensure that accurate records are maintained.
5. In the event that interpretation of the meaning and intent of the plans and specifications becomes necessary, expedite consultation and resolution with the Architect through an established RFI process and render a recommendation to the Owner.
6. Monitor progress of work and recommend such action as may be necessary to keep project on schedule and budget.
7. Review and make recommendations for all payment requests. Physically inspect the work and materials connected with each payment request.
8. Review all requests for time extension. Work with the subcontractors, Architect and the Owner to find solutions, wherever possible, to avoid delay.
9. As the work progresses, prepare, or have prepared (with CM/GC verification for accuracy and completeness), as-built drawings for permanent retention by the Owner, and for use in production of record drawings by the Architect.
10. Maintain an accounting system for effective fiscal control, including a bi-weekly detailed cost estimate and a monthly status report with budget recommendations.
11. Monitor compliance with payment of prevailing wages on all contracts and subcontracts.
12. Provide all closeout documentation as required by Contract, Supplementary Conditions, and Specifications. The project will not be considered Complete until the Operation and Maintenance Manuals and the Record Drawings have been submitted.
13. Participate in (multiple) warranty inspections at, but not exceeding, one year after substantial completion of all phases of work.

### **SECTION III: SELECTION PROCESS AND REQUIREMENTS**

The intent of this Request for Proposals is to select a single CM/GC to enter into a Contract to provide Construction Manager/General Contractor services as described in the above Scope of Work. Qualified and experienced professionals are invited to submit a proposal in accordance with requirements outlined below:

- A. An electronic copy of the entire proposal must be received by Agency no later than 4:00 p.m. July 6, 2020. Late proposals will not be accepted. Please minimize file size to allow for electronic submission.

Email proposals to:

Ms. Nora Cronin, Development Manager  
[ncronin@homesforgood.org](mailto:ncronin@homesforgood.org)

Only emailed proposals will be accepted.

- B. All Electronic submittals shall be tabulated in separate sections and labeled to match the requirements of Section IV. All materials shall be in 8.5" x 11" format. Limit submittals to no more than 20 double-sided pages. The page limit does not include front and back covers, section dividers, or items noted for inclusion in an appendix.
- C. Any and all preparation costs incurred by the Proposer in developing proposals, presentations, demonstrations or any other activity in responding to the RFP are the sole responsibility of the Proposer and will not be reimbursed by Agency. The proposal, along with all supporting materials, shall become the property of Agency. All of the information provided is public record and will be provided in conformance with the Agency's public records request policy.
- D. Agency may at its sole and absolute discretion, reject any and all, or parts of any and all, proposals; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP or in the proposals received as a result of this RFP. Also, the determination of the criteria and process whereby proposals are evaluated, the decision as to who shall receive a contract award, or whether or not an award shall ever be made, shall be at the sole and absolute discretion of Agency. Agency may at any time request clarifications and supplemental information from any respondent after receipt of proposals. Additionally, Agency may enter into a contract for all or a portion of the planned developments, at the discretion of Agency.
- E. No Pre-Proposal Conference will be held for selection process. Requests for additional information or clarification should be directed towards Nora Cronin at [ncronin@homesforgood.org](mailto:ncronin@homesforgood.org) or (541) 682-2521. All questions must be submitted by 4:00 PM on 06/22/2020. Answers will be provided to all interested respondents via email in a timely manner. If any query results in an addendum to this RFP, the addendum will be issued to prospective respondents no later than 06/29/2020. Do not contact any other Agency Board Member or staff member, or the property owner or current tenants, to discuss this project in any way during the RFP selection process.

The CM/GC will be selected on the basis of several factors, including, but not limited to: Experience, capacity to perform work, staff qualifications, approach to this specific project, professional record, familiarity with this type of work, and interview (if necessary). Agency will carry out the following process to rate proposals and negotiate an agreement for professional services:

- Written proposals submitted in accordance with this RFP will be evaluated by a committee of Agency staff and/or project consultants.
- The committee will rate the proposals according to the selection criteria outlined below and select top firms. Interviews may be held, if necessary, to make a final selection and recommendation.
- Based on the ratings of the written proposals and interviews, the committee will recommend to the Agency Executive Director a ranked list that meets the qualifications described in this RFP.
- Agency will negotiate a contract, including a fee amount, with the top ranked firm. If an agreement cannot be reached with the top ranked firm, Agency will then negotiate with the second ranked firm. A professional services agreement may be entered into for pre-development services prior to the AIA Standard A133-2009 Contract (or the most recent version of A133).

- The final recommendation will be presented to the Agency Board of Commissioners for their authorization.

## **SECTION IV: SUBMITTAL REQUIREMENTS & EVALUATION CRITERIA**

Responses to the following items must be provided following the format described and should be prepared simply and economically. Agency reserves the right to reject all proposals or to request clarification of proposals during analysis, selection, and award proceedings. Brevity is encouraged. The evaluation committee will look favorably upon succinct and direct language.

### **A. Cover Letter (No Points)**

Please include a cover letter that describes your Firm's interest in the project. Include acknowledgement of any addenda received. Letter must be signed by an individual who is authorized to bind the Respondent contractually. The signature must indicate the title or position that the individual holds in the firm.

### **B. CM/GC Team (20 points)**

1. Describe your firm's history. Include information identifying the firm's annual volume of business, financial/bonding capacities, and speak to the firm's stability in the market place. Information identifying the firm's strengths and weaknesses along with special capabilities that may be appropriate to this Project will assist in the evaluation. Provide the status for anticipated work within the firm in terms of time and magnitude for the time anticipated for this project, as it relates to availability of key personnel and your firm. Include MWESB certification information if applicable.
2. Identify key individuals from the firm, at the corporate and field levels, that you will be assigned to this Project during pre-construction and construction. Describe their relevant experience, responsibilities and approximate amount of time each will devote to this project during every phase. Identify their length of employment with your firm and, if less than three years, prior firm employment. Provide references with contact information for each team member's last three projects in a similar role.
3. Indicate if the CM/GC is currently or has, during the last 5 years, been involved in defending, negotiating, mediating, or litigating in court, administrative proceedings, or arbitration any claims or liens relating to or arising from construction or business activities. Provide a brief description of any involvement.

*This section will be scored on the overall experience, expertise and qualifications of Company/Firm as related to the services described in this RFP.*

### **C. Relevant Experience (20 points)**

Describe the CM/GC's recent experience in providing pre-construction and construction services for new multifamily residential projects, including those within Lane County, with a construction budget of at least \$8 million. Please address the following:

1. Describe your firm's experience with projects of similar size, type, and complexity.
2. Describe your firm's experience working in this geographic area.



3. Identify project(s) you feel to be the most similar to this Project in terms of site, size, type and complexity. Include photos or drawings of projects referenced. Include contact information for a person from the project Owner familiar with your performance for each identified project.
4. Describe experience in complying with OHCS design requirements.
5. Describe experience with publicly funded affordable housing projects. Include your experience complying with federal Davis-Bacon Act prevailing wage requirements and Oregon BOLI wage rate requirements.
6. Please provide **contact information** for **references** that can speak to your firm's relevant experience.

*This section will be evaluated on the related experience and record of performance with similar housing projects.*

D. Local Knowledge (10 points)

Describe CM/GC's prior knowledge and experience with building conditions in Lane County. Reference or provide a list of local projects.

1. Describe your firm's experience with local subcontractors.
2. Describe your firm's experience with local rules and regulations.
3. Describe your firm's experience with City and County staff.
4. Describe other local knowledge and experience that is relevant to this project.

*This section will be evaluated based on the firm's ability to show experience and knowledge about the conditions in Lane County, work with local subcontractors as well as local codes and regulations specific to the area and the specific project site.*

E. Firm Capacity (10 points)

Describe CM/GC's team's project capacity.

1. Describe your firm's capacity to perform the work as described in this RFP within the desired timeline (beginning preconstruction services at the start of August 2020, commencing construction by May 2021).
2. Identify firm's pipeline of projects and each team members capacity for the proposed project.

F. Project Approach (10 points)

Describe the CM/GC's approach to completing the work. Identify the specific project management strategies your firm will use in the administration of this Project, in both the preconstruction and construction phases. Include the following elements:

1. Budget and Schedule Control
2. Job Site Safety Plan (Include any information on Covid-19 protocol)
3. Quality Assurance/Quality Control Plan
4. Project Hand-Off
5. Resident and Neighborhood Coordination

*This section will be evaluated on use of best management practices as related to administration of the proposed project.*

**G. Diversity, Equity and Inclusion (DEI) (15 Points)**

1. Describe your firm's DEI strategies to removing barriers and creating opportunities for populations facing disparities in order to maximize workforce diversity.
2. Describe your firm's plan for maximizing Minority, Women and Emerging Small Businesses (MWESB) participation and Section 3 participation.
3. Homes for Good is striving for a 15% MWESB contractor/vendor utilization rate on the proposed project. Please describe your firm's MWESB utilization rate on recent projects and if you have worked on projects with preferred MWESB target rates.

*This section will be evaluated on firm's commitment to engaging diverse populations particularly those facing disparities. Maximum score will be given to firm's that have formally adopted Diversity, Equity and Inclusion strategies and MWESB strategies.*

**H. Proposed Fee and Costs (15 points)**

Submit a fee proposal in accordance with the instructions provided below. Homes for Good has received a 3<sup>rd</sup> part cost estimate, Construction Focus. For the purposes of the fee proposal, assume a total construction cost of \$8,000,000, not including general conditions and contingency fees, for a total of 45 units of housing, and 14-month construction duration.

1. Preconstruction Services Fee. Provide your firm's Preconstruction Services Fee as a maximum not-to-exceed amount for this Project, together with hourly rates or other basis of compensation. Cost of this work is to be paid on a cost reimbursement basis up to a stated maximum. This scope of work for this services described in Section II of this RFP.
2. CM/GC Fee. Provide your firm's CM/GC Fee as a percentage of the Estimated Cost of Work for this Project. Allocate the fee between profit, overhead and other costs, if any.
3. General Conditions Costs. Complete the attached Appendix A, General Conditions Cost Worksheet to indicate your firm's proposed costs covering general conditions. Fill in all lines with dollar estimates if applicable. It is the Owner's intention to use these estimates as a basis for a contractual Fixed Cost for General Conditions Work. Please fill in any additional items you intend to include in General Conditions. The Agency will negotiate this cost based on actual scope of work.
4. Bond Cost. What would the cost of the payment and performance bonds be for this project?

Agency reserves the right to negotiate to a lower fee prior to awarding the contract.

*This section will be evaluated on overall budget benefit to the Agency.*

I. Interview (if necessary) **(No points)**

Agency may conduct interviews with the top ranked Firms, if necessary. After completing the interviews, the evaluation committee may revise its scores based on the evaluation criteria in Section IV of this RFP. Interviews are not a separate evaluation criterion eligible for points, but the committee may consider the interview when revising its scores.

## SECTION V: SCHEDULE

The schedule for this RFP is as follows.

Task	Date
RFP Issue Date	06/10/2020
Deadline for Questions	06/22/2020
Issue Final Addendum (if necessary)	06/29/2020
<b>Proposals Due</b>	<b>07/06/2020 4:00 PM</b>
Committee Evaluation	Week of 07/13/2020
Interview (if necessary)	Week of 07/20/2020
Selection of Firm	07/31/2020

All above dates are subject to change at Agency's discretion.

## SECTION VI: ADDITIONAL CONTRACT REQUIREMENTS AND PROVISIONS

The Agency strongly encourages the participation of Minority, Women and/or Emerging Small Businesses in this and all Agency projects, programs and services, pursuant to ORS 200.090. The work performed will be subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance shall to the greatest extent feasible be directed to low- and very low- income persons.

Proposer agrees to comply with the AIA Form A201 General Conditions of the Contract for Construction, 2007 Edition (or the most recent version of A201), as well the Supplementary Conditions.

Proposer will be required to execute the material terms and conditions of the sample contract, unless it is deemed by the Agency to be in the Agency's best interest to modify the contract. The proposer should satisfy itself that it can fully execute the sample agreement if awarded the contract for the project. Questions or requests for change, if any, should be made according to the process outlined elsewhere in this RFP.

Proposer agrees to maintain accurate fiscal records that conform to generally accepted accounting principles and are in compliance with all District and State public audit and accounting requirements.

Proposer agrees to comply with all applicable Federal, State, District, and local ordinances, statutes, rules and laws governing this project and its financing.

Proposer agrees that it will not sub-contract any part of the contract without the prior written consent of the Agency.

Projects may be funded partially with federal funds. Contractor may be required to comply with the Davis Bacon Act or State Prevailing wage laws. Monitoring of wage rates shall be per the U.S. Department of Labor (DOL) standards.

All information submitted by Proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act (ORS Chapter 192), except such portions of the Qualifications Statements for which proposer requests exception from disclosure, and such exception is, in the opinion of Authority counsel, consistent with Oregon Law. All requests for exception shall be in writing, noting specifically which portion of the Qualifications Statement the Proposer requests to be accepted from disclosure and the legal basis for the requested exception. Proposer shall not copyright, or cause to be copyrighted, any portion of any said document submitted to the Authority as a result of this Request for Qualifications.

## **SECTION VII: HOMES FOR GOOD APPEALS CONTACT AND PROCESS**

- A. Commenting on or Appealing RFP Process. Proposers may comment on or protest any provisions of this Request for Proposals that they believe limit competition, and/or may protest any of its specifications or proposed contract terms. Comments should be emailed to:

Steve Ochs, Real Estate Development Director  
[sochs@homesforgood.org](mailto:sochs@homesforgood.org)

- B. Appeal Procedures. Comments must be in writing and received at the Agency office at least seven calendar days before the RFP submission deadline. Comments will be reviewed by the Agency Contract Administrator. If the comments are determined to be valid, an addendum to the RFP will be issued to all applicants. The appeal procedures and limits set forth herein are directory and not mandatory and failure to follow or complete the action in the manner provided shall not invalidate the decision.

The selected firm will be announced by Agency in an email sent to all Proposers. Anyone responding to an RFP who is not recommended for award by the evaluation committee may appeal the recommendation to the Executive Director. Agency's Procurement Policy describes the right of appeal as follows:

1. Any appeal must be made in writing, be received before the contract is awarded by the decision-maker, clearly state the grounds for the appeal, and indicate what condition(s) resulted in the proposal not being recommended for award. Any appeal which does not comply with the applicable procedures may be rejected.
2. Unless otherwise stated in the RFP, the appeal must be received not later than seven calendar days after notice of the evaluation committee's decision was sent. Upon receipt of the appeal, the proposer recommended for award and the evaluation committee shall be notified. The proposer and the committee shall have three calendar days from the date the appeal is filed to respond to the appeal in writing, if they so desire.
3. If an appeal is filed, the department responsible for the RFP shall prepare a written analysis of the appeal and recommend appropriate action to the Executive Director.
4. The grounds for appeal are:

- a) Different criteria were used to evaluate different proposals.
  - b) The evaluation committee unfairly applied the evaluation criteria to a proposal.
  - c) A member or members of evaluation committee had a relationship with a proposer that represented a conflict of interest.
  - d) The criteria used to evaluate the proposals did not pertain to the services or products requested.
  - e) A member or members of the evaluation committee demonstrated bias toward a proposal or a responder.
5. The Executive Director shall evaluate any appeal before rendering a decision and shall state the conclusions reached and reasons in writing. Any decision to overturn the recommendation shall be based on a finding that one of the criteria above (grounds for appeal) occurred to the substantial prejudice of the appellant.

## **SECTION VIII: ATTACHMENTS**

Appendix A – General Conditions Cost Worksheet