



RFP No. CABLE002

PROFESSIONAL, TECHNICAL AND EXPERT SERVICES

Oregon
August 6, 2010

INTERMEDIATE REQUEST FOR PROPOSALS

for

Review and Report of Comcast Franchise Fee Payments
For
THE MT. HOOD CABLE REGULATORY COMMISSION (MHCRC)

PROPOSALS DUE: August 20, 2010 by 4:00 p.m.

Mark envelope(s) with the IRFP number and project title.

Submit one (1) original and three (3) complete copies of the Proposal to:

Mt. Hood Cable Regulatory Commission
1120 SW Fifth Ave, Room 1305
Portland, OR 97204

Refer questions to:

Mary Beth Henry, Deputy Director
Mt. Hood Cable Regulatory Commission
Phone: (503) 823-5414
Fax: (503) 823-5370
Email: marybeth.henry@portlandoregon.gov

GENERAL INSTRUCTIONS AND CONDITIONS

DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS – The MHCRC seeks to extend contracting opportunities to Minority Business Enterprises, Women Business Enterprises and Emerging Small Businesses (M/W/ESBs) in order to promote their economic growth and to provide additional competition for MHCRC contracts. Therefore, the MHCRC has established an overall 20% utilization goal in awarding PTE contracts to ESBs. No goal is set for the use of M/WBE firms, but the MHCRC is committed to ensuring that such firms receive opportunities and equal consideration to be awarded MHCRC PTE contracts.

ENVIRONMENTALLY PREFERABLE PROCUREMENT - It is the policy of the Mt. Hood Cable Regulatory Commission to encourage the use of products or services that help to minimize the human health and environmental impacts of Commission operations. Therefore, proposers are encouraged to incorporate environmentally preferable products or services into their responses wherever possible. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

INVESTIGATION – The Proposer shall make all investigations necessary to be informed regarding the service(s) to be performed under this intermediate request for proposal.

SPECIAL CONDITIONS – Where special conditions are written in the Intermediate Request for Proposal, these special conditions shall take precedence over any conditions listed under the Professional, Technical and Expert Service "General Instructions and Conditions".

CLARIFICATION OF INTERMEDIATE REQUEST FOR PROPOSAL – Proposers who request a clarification of the IRFP requirements must submit questions in writing to the person(s) shown in the REFER QUESTIONS TO section on the cover of this IRFP, or present them verbally at a scheduled pre-submittal meeting, if one has been scheduled. The MHCRC must receive written questions no later than the date stated herein. The MHCRC will issue a response in the form of an addendum to the IRFP if a substantive clarification is in order.

Oral instructions or information concerning the Intermediate Request for Proposal given out by MHCRC employees or agents to prospective Proposers shall not bind the MHCRC.

ADDENDUM – Any change to this IRFP shall be made by written addendum issued no later than 72 hours prior to the proposal due date. The MHCRC is not responsible for any explanation, clarification or approval made or given in any manner except by addendum.

COST OF PROPOSAL – This Intermediate Request for Proposal does not commit the MHCRC to pay any costs incurred by any Proposer in the submission of a proposal or in making necessary studies or designs for the preparation thereof, or for procuring or contracting for the services to be furnished under the Intermediate Request for Proposal.

CANCELLATION – The MHCRC reserves the right to modify, revise or cancel this IRFP. Receipt and evaluation of proposals or the completion of interviews do not obligate the MHCRC to award a contract.

LATE PROPOSALS – Proposals received after the scheduled closing time for filing will be returned to the Proposer unopened.

REJECTION OF PROPOSALS – The MHCRC reserves the right to reject any or all responses to the Intermediate Request for Proposal if found in the MHCRC's best interest to do so. In the MHCRC's discretion, litigation between the MHCRC and a Proposer may be cause for proposal rejection, regardless of when that litigation comes to the MHCRC's attention and regardless how the Proposer's proposal may have been scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the MHCRC. Proposers who are concerned about possible rejection on this basis should contact the MHCRC before submission of a proposal for a

preliminary determination of whether its proposal will be rejected.

CITY OF PORTLAND BUSINESS LICENSE – Successful Proposer shall obtain a current City of Portland Business License prior to initiation of contract and commencement of the work.

WORKERS' COMPENSATION INSURANCE – Successful Proposer shall be covered by Workers' Compensation Insurance or shall provide evidence that State law does not require such coverage.

CERTIFICATION AS AN EEO AFFIRMATIVE ACTION EMPLOYER – Successful Proposers must be certified as Equal Employment Opportunity Affirmative Action Employers as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

EQUAL BENEFITS PROGRAM – Successful Proposers must provide benefits to their employees with domestic partners equivalent to those provided to employees with spouses as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

LOCAL CONTRACTING – If the final evaluation scores are otherwise equal, the MHCRC prefers goods or services that have been manufactured or produced by a Local Business. The MHCRC desires to employ local businesses in the purchase, lease, or sale of any personal property, public improvements or services. The MHCRC wants the residents of the State of Oregon and SW Washington to benefit from optimizing local commerce and services, and the local employment opportunities they generate. [[Resolution #36260](#)]

CONFLICT OF INTEREST – A Proposer filing a proposal thereby certifies that no officer, agent or employee of the MHCRC who has a pecuniary interest in this Intermediate Request for Proposal has participated in the contract negotiations on the part of the MHCRC, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other Proposer of the same intermediate request for proposals, and that the Proposer is competing solely in its own behalf without connection with or obligation to, any undisclosed person or firm.

CONFIDENTIALITY – All information submitted by Proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act (ORS 192.410 et seq.), except such portions of the proposals for which Proposer requests exception from disclosure consistent with Oregon Law. Any portion of a proposal that the Proposer claims constitutes a "trade secret" or is "confidential" must meet the requirements of ORS 192.501, ORS 192.502 and/or ORS 646.461 et seq. If the entire proposal is marked as constituting a "trade secret" or being "confidential," at the MHCRC's sole discretion, such a proposal may be rejected as non-responsive.

If a request to inspect the proposal is made, the MHCRC will notify the Proposer of the request. If the MHCRC refuses to release the records, the Proposer agrees to provide information sufficient to sustain its position to the District Attorney of Multnomah County, who currently considers such appeals. If the District Attorney orders that the records be disclosed, the MHCRC will notify the Proposer in order for the Proposer to take all appropriate legal action. The Proposer further agrees to hold harmless, defend and indemnify the MHCRC for all costs, expenses and attorney fees that may be imposed on the MHCRC as a result of appealing any decision regarding the Proposer's records.

The Chief Procurement Officer has the authority to waive minor irregularities and discrepancies that will not affect the competitiveness or fairness of the solicitation and selection process.

These Professional, Technical and Expert Services Intermediate Request for Proposal "General Terms and Conditions" are not to be construed as exclusive remedies or as a limitation upon rights or remedies that may be or may become available under ORS Chapter 279.

PART I

CONTRACT REQUIREMENTS

1. SCOPE OF WORK

Conduct a review of the Comcast franchise fee payments for the period January 2007 through the second quarter of 2010. Comcast pays 5% of its gross revenues in quarterly franchise fees to the Mt. Hood Cable Regulatory Commission.

The definition of gross revenues is outlined in the franchise agreements, http://www.mhcr.org/content.asp?n=ops&s=ops_comcast, between Comcast and the jurisdictions that make up the Mt. Hood Cable Regulatory Commission – Fairview, Gresham, Portland, Troutdale, Wood Village, and Multnomah County, Oregon.

The Mt Hood Cable Regulatory Commission (MHCRC)(www.mhcr.org) is seeking proposals from individuals, firms, teams or consultants, hereafter called "Proposer(s)", with demonstrated experience in cable franchise fee reviews and to engage the successful Proposer for the following services: to conduct a review of the Comcast franchise fee payments.

The successful Proposer shall be expected to enter into a not-to-exceed Professional, Technical, and Expert Services Contract with the MHCRC. A sample of the MHCRC's standard contract can be viewed at:

<http://www.mhcr.org/docs/SampleContractFinal.pdf>

2. PROJECT FUNDING

The anticipated cost for the services described herein is \$10,000. The Proposer's proposal shall include the Proposer's true estimated cost to perform the work irrespective of the MHCRC's budgeted funds for this work.

3. TECHNICAL OR REQUIRED SERVICES

The successful Proposer shall perform the tasks listed below for this project, and shall be expected to work closely with designated MHCRC personnel to accomplish these goals:

1. Prepare a detailed Request For Information to secure sufficient documentation to analyze the following information of the Franchisee:
 - a. Reporting of subscriber and non-subscriber revenue, including:
 - Treatment of itemized franchise fee, PEG fee, and other fee or tax revenue
 - Treatment of bad debt
 - Treatment of late fee and other miscellaneous revenue
 - Treatment of advertising revenue and any transactions involving affiliated entities
 - Treatment of home shopping and leased access revenue
 - Treatment of programmer receipts for launch or marketing activities
 - Revenue sources that are currently excluded from the reports and the operator's rationale for such exclusion
 - b. Allocation procedures for allocating revenue among geographical areas or among service categories or lines of business
 - c. Chart of accounts and supporting documentation from subscriber billing reports, general ledger reports, subscriber statistical reports, franchise fee work papers, or other accounting and statistical records as appropriate.
2. Obtain and evaluate the revenue reports submitted by Comcast to the MHCRC in terms of consistency with supporting books and records and with Comcast's current franchise agreements with the MHCRC jurisdictions; accuracy and completeness of franchise fee and PEG fee calculations and payments made to the MHCRC; and usefulness and completeness of the information that is presented.
3. Clarify with representatives from Comcast any issues arising from review of the franchise fee and PEG payments.
4. Conduct one (1) review session with the MHCRC to discuss findings and conclusions (via conference call).
5. Participate in one (1) joint discussion with the MHCRC and Comcast regarding the findings of the study (via conference call)
6. Prepare a draft report for MHCRC staff review and input.
7. Prepare a final report for the MHCRC.

4. WORK PERFORMED BY THE MHCRC

The MHCRC has assigned a project manager to oversee the successful Proposer's work and provide support as needed. MHCRC staff will provide:

- all the quarterly franchise fee reports and payment remittances sent to the MHCRC for the relevant period (Jan 2007- 2Q 2010);
- copies or links to the current Comcast franchises; and
- copies of recent/current rate cards and actual subscriber billings.

KFA Services performed the last franchise fee review in 2006. The MHCRC will provide the successful Proposer with the most recent Comcast Franchise Fee Review.

5. DELIVERABLES AND SCHEDULE

Deliverables shall be considered those tangible items resulting from work products that are to be delivered to the MHCRC such as reports, draft documents, data, interim findings, drawings, schematics, training, meeting presentations, final drawings and reports. The successful Proposer is encouraged to provide any deliverables in accordance with sustainable paper use practices.

Deliverables and schedule for this project shall include:

Based on the results of the above analysis conducted, prepare a written report for the MHCRC identifying the extent to which Comcast has been in compliance with respect to the computation and remittance of franchise fees. The report will include a detailed schedule of any net underpayments by category. Also included will be a computation of any interest due on such net underpayments that can be updated based on the date of final resolution with the Company.

- Draft Report Due November 22, 2010
- Final Report Due November 30, 2010

All deliverables and resulting work products from this contract will become the property of the Mt Hood Cable Regulatory Commission.

6. PERIOD OF PERFORMANCE

The Mt Hood Cable Regulatory Commission anticipates having the successful Proposer begin work immediately upon contract execution with submittal of final deliverables to the MHCRC occurring by November 30, 2010.

7. PUBLIC SAFETY

Public safety may require limiting access to public work sites, public facilities, and public offices, sometimes without advance notice. The Proposer shall anticipate delays in such places and include the cost of delay in the proposed cost. The successful Proposer's employees and agents shall carry sufficient identification to show by whom they are employed and display it upon request to security personnel. MHCRC project managers have discretion to require the successful Proposer's employees and agents to be escorted to and from any public office, facility or work site if national or local security appears to require it.

8. INSURANCE

The successful Proposer(s) shall agree to maintain continuous, uninterrupted coverage of all insurance as required by the MHCRC. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without a 30-day written notice, or a 10-day written notice for non-payment from the successful Proposer or its insurer(s) to the MHCRC.

Workers' Compensation Insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (firms with one or more employees, unless exempt under ORS 656.027).

General Liability Insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall provide that the MHCRC, and its agents, officers, and employees are Additional Insureds but only with respect to the successful Proposer's services to be provided under this Contract.

Automobile Liability Insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired, or non-owned vehicles, as applicable.

Professional Liability Insurance with a combined single limit of not less than \$1,000,000 per claim, incident, or occurrence. This is to cover damages caused by negligent acts, errors or omissions related to the professional services to be provided under this contract. If insurance coverage is provided on a "claims made" basis, the successful Proposer shall acquire a "tail" coverage or continue the same coverage for three years after completion of the contract, provided coverage is available and economically feasible. If such coverage is not available or economically feasible, contractor shall notify MHCRC immediately.

Certificates of Insurance: As evidence of the insurance coverages, the successful Proposer shall furnish acceptable insurance certificates to the MHCRC at the time signed contracts are returned to the MHCRC. The certificate will specify all of the parties who are Additional Insureds and will include a 30-day cancellation clause or a 10-day non-payment clause as identified above. Insuring companies or entities are subject to MHCRC acceptance. If requested, complete policy copies shall be provided to the MHCRC. The successful Proposer shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

PART II

PROPOSAL PREPARATION AND SUBMITTAL

SECTION A

PRE-SUBMITTAL MEETING/CLARIFICATION

1. PRE-SUBMITTAL MEETING

There will be no pre-submittal meeting or site visit scheduled for this project.

2. IRFP CLARIFICATION

Questions and requests for clarification regarding this Intermediate Request for Proposal (IRFP) must be directed in writing, via email or fax, to the person listed below. **The deadline for submitting such questions/clarifications is Wednesday, August 11, 2010.** An addendum will be issued no later than 72 hours prior to the proposal due date, to all recorded holders of the IRFP if a substantive clarification is in order.

Mary Beth Henry, Deputy Director
Mt Hood Cable Regulatory Commission
1120 SW 5th, Room 1305
Portland, Oregon 97204

E-mail: marybeth.henry@portlandoregon.gov
Phone: (503) 823-5414
Fax: (503) 823-5370

SECTION B

PROPOSAL SUBMISSION

1. PROPOSALS DUE

Proposals must be received no later than the date and time, and at the location, specified on the cover of this solicitation, and shall plainly identify the subject of the proposal and the name and address of the Proposer. It is the Proposer's responsibility to ensure that proposals are received prior to the specified closing date and time, and at the location specified. Proposals received after the specified closing date and/or time shall not be considered and will be returned to the Proposer. The MHCRC shall not be responsible for the proper identification and handling of any proposals submitted to an incorrect location.

Proposals may be submitted via e-mail (attachment), facsimile, courier, U.S. mail, or hand delivery.

2. PROPOSAL

Proposals must be clear, succinct and not exceed 10 pages. Section dividers, title page, and table of contents do not count in the overall page count of the proposal. Proposers who submit more than the pages indicated may not have the additional pages of the proposal read or considered.

For purposes of review and in the interest of the MHCRC's support for sustainable paper use practices and sustainable business practices in general, the MHCRC encourages the use of submittal materials (i.e. paper, dividers, binders, brochures, etc.) that contain post-consumer recycled content and are readily recyclable. The MHCRC discourages the use of materials that cannot be readily recycled such as PVC (vinyl) binders, spiral bindings, and plastic or glossy covers or dividers. Alternative bindings such as reusable/recyclable binding posts, reusable binder clips or binder rings, and recyclable cardboard/paperboard binders are examples of preferable submittal materials. Proposers are encouraged to print/copy on both sides of a single sheet of paper wherever applicable; if sheets are printed on both sides, it is considered to be two pages. Color is acceptable, but content should not be lost by black-and-white printing or copying.

All submittals will be evaluated on the completeness and quality of the content. Only those Proposers providing complete information as required will be considered for evaluation. The ability to follow these instructions demonstrates attention to detail.

3. ORGANIZATION OF RESPONSE

Proposers must provide all information as requested in this Intermediate Request for Proposal (IRFP). Responses must follow the format outlined in this IRFP. Additional materials in other formats or pages beyond the stated page limit(s) may not be considered. The MHCRC may reject as non-responsive, at its sole discretion, any proposal or any part thereof, which is incomplete, inadequate in its response, or departs in any substantive way from the required format. Proposal responses shall be organized in the following manner:

1. Cover Letter
2. Experience and Capabilities
3. Diversity in Employment and Contracting Requirements
4. Proposed Cost
5. Project Approach and Understanding

SECTION C

EVALUATION CRITERIA

1. COVER LETTER

By submitting a response, the Proposer is accepting the General Instructions and Conditions of this Intermediate Request for Proposal (reference second page of the IRFP) and the Standard Contract Provisions of the Professional, Technical and Expert Services contract.

The Cover Letter must include the following:

- IRFP number and project title
- name(s) of the person(s) authorized to represent the Proposer in any negotiations
- name(s) of the person(s) authorized to sign any contract that may result
- contact person's name, mailing or street addresses, phone and fax numbers and email address

A legal representative of the Proposer, authorized to bind the Proposer in contractual matters must sign the Cover Letter.

BUSINESS COMPLIANCE

The successful Proposer(s) must be in compliance with the laws regarding conducting business in the MHCRC before an award may be made. The Proposer shall be responsible for the following:

Certification as an EEO Affirmative Action Employer

The successful Proposer(s) must be certified as Equal Employment Opportunity Employers as prescribed by Chapter 3.100 of the Code of the City of Portland prior to contract award. Details of certification requirements are available from Procurement Services, 1120 SW Fifth Avenue, Room 750, Portland, Oregon 97204, (503) 823-6855, website: <http://www.portlandonline.com/omf/purchasing>

Business License

The successful Proposer(s) must be in compliance with the City of Portland Business License requirements as prescribed by Chapter 7.02 of the Code of the City of Portland prior to contract award.

Details of compliance requirements are available from the Revenue Bureau License and Tax Division, 111 SW Columbia Street, Suite 600, Portland, Oregon 97201, (503) 823-5157, website: <http://www.portlandonline.com/omf/index.cfm?c=29320>

If your firm currently has a business license and is EEO certified, include in the Cover Letter your firm's City of Portland Business License number as well as the Equal Employment Opportunity (EEO) expiration date.

2. EXPERIENCE AND CAPABILITIES

The Proposer shall provide information relating to the firm's experience, capabilities and resources in relation to the project and should describe such things as:

- Experience with similar projects
- Key personnel's qualifications and relevant experience on similar or related projects
- Resources available
- Internal procedures and/or policies relating to work quality, cost control and organizational management

3. DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS

The MHCRC is committed to increasing contracting opportunities for State of Oregon certified minority, women and emerging small business (M/W/ESB) enterprises. The MHCRC values, supports and nurtures diversity, and encourages any firm contracting with the MHCRC to do the same, maximizing M/W/ESB business participation with regard to all MHCRC contracts. As such, the MHCRC has established an overall 20% utilization goal in awarding PTE contracts to State of Oregon certified emerging small business (ESB) enterprises. No goal is set for the use of minority (MBE) and women business (WBE) enterprises, but the MHCRC is committed to ensuring that such firms receive opportunities and equal consideration to be awarded MHCRC PTE contracts. The MHCRC has assigned at least 15% of the total points available on this solicitation to this criterion to determine the award of this contract.

All Proposers shall address the following in their proposals:

- a. Indicate if your firm is currently certified in the State of Oregon as an MBE, WBE and/or ESB, or if your firm has applied for certification with the State of Oregon's Office of Minority, Women and Emerging Small Business (OMWESB). Provide a copy of the State of Oregon certification letter confirming receipt of application, or a copy of the approval letter certifying your firm as a State of Oregon M/W/ESB (a copy of this letter does not affect the page-limit identified under Part II, Section B.2 of this document).
- b. Identify your current diversity of workforce and describe your firm's commitments to providing equal employment opportunities. Include in your response:
 - Number of total employees and description of type of work performed.
 - Number of minorities and women within your current workforce, broken out by ethnicity and positions held.
 - Any underutilization of minorities or women within your workforce and your firm's efforts to remedy such underutilization.
 - Any plans to provide innovative mentoring, technical training or professional development opportunities to minorities and women in your workforce in relation to this project, or plans to employ minorities and women to work on this project.
 - Description of the process your firm uses to recruit minorities and women.
- c. Have you subcontracted or partnered with State of Oregon certified M/W/ESB firms on any project within the last 12 months? If so, please describe the history of the firm's subcontracting and partnering with certified M/W/ESB firms. Include in your response:
 - List of State of Oregon certified M/W/ESB firms with which your firm has had a contractual relationship during the last 12 months.
 - Any innovative or successful measures that your firm has undertaken to work with M/W/ESB firms on previous projects.
 - Any mentoring, technical or other business development services your firm has provided to previous or current M/W/ESB subconsultants or partners, or will provide in relation to this project.
- d. Are you subcontracting any element of your proposal? Describe your firm's plan for obtaining maximum utilization of State of Oregon certified M/W/ESB firms on this project. Include in your response:
 - Subcontracting opportunities your firm has identified in the scope of this project.
 - Efforts made relating to outreach and recruitment of certified M/W/ESB firms. Did your firm advertise contracting opportunities in the Daily Journal of Commerce, Skanner, Oregonian, Observer, El Hispanic News, Asian Reporter, and/or other trade publications? Did your firm conduct any outreach meetings? Did your firm

use the State's OMWESB certification list, or other source, as a basis for direct outreach? What were the actual results of any of the above efforts?

- Any proposals received from certified M/W/ESB firms. If any such proposals were rejected, provide reasons for rejection.
- Other efforts your firm used or proposes to use in relation to this project.

e. If your firm will be utilizing certified M/W/ESB firms on this project, please list those firms and detail their role within your proposal.

The MHCRC expects thoughtful consideration of all of the above Diversity in Employment and Contracting criteria in the preparation of proposals, and will enforce all diversity in workforce and M/W/ESB commitments submitted by the successful Proposer.

4. PROPOSED COST

The proposal shall include the Proposer's true estimated cost or fixed-price estimate for the proposed project approach irrespective of the MHCRC's anticipated cost. Additionally, this cost shall include the hourly rates of each person associated with the project as well as the estimated number of hours each staff member will be expected to work on each task.

5. PROJECT APPROACH AND UNDERSTANDING

The Proposer's approach and understanding of the project are important aspects of the IRFP process. The Proposers should provide a clear and concise understanding of the project by describing and clarifying any major issues based upon project information provided in this IRFP. For each phase of work, the project approach should:

- Describe the proposed work tasks and activities, the methodology that will be used to accomplish them, and identify the team members who will work on each task.
- Describe the proposed work products that will result from each task or activity.
- Identify points of input and review with MHCRC staff.
- Identify the time frame estimated to complete each task.

PART III

PROPOSAL EVALUATION

SECTION A

PROPOSAL REVIEW AND SELECTION

1. EVALUATION CRITERIA SCORING

Each proposal shall be evaluated on the following evaluation criteria, weighting and maximum points, as follows:

	Criteria	Maximum Score
a.	Cover Letter	0
b.	Experience and Capabilities	35
c.	Diversity in Employment and Contracting	15
d.	Proposed Cost	30
e.	Project Approach and Understanding	20
	Total Points Available	100

2. PROPOSAL REVIEW

An evaluation review committee will be appointed to evaluate the proposals received. For the purpose of scoring proposals, each committee member will evaluate each proposal in accordance with the criteria and point factors listed above. The evaluation committee may seek outside expertise, including but not limited to input from technical advisors, to assist in the evaluation process.

The successful Proposer shall be selected by the following process:

- a. An evaluation committee will be appointed to evaluate submitted proposals.
- b. The committee will score the written proposals based on the information submitted according to the evaluation criteria and point factors.
- c. The committee will require a minimum of 5 working days to evaluate and score the written proposals.
- d. A short list of Proposers, based on the highest scores, may be selected for oral interviews if deemed necessary. The MHCRC reserves the right to increase or decrease the number of Proposers on the short list depending on the scoring and whether the Proposers have a reasonable chance of being awarded a contract.
- e. If oral interviews are determined to be necessary, the scores from the written proposals will be considered preliminary. Final scores, based on the same evaluation criteria, will be determined following the oral interviews.

All communications shall be through the contact(s) referenced on the cover of this solicitation. At the MHCRC's sole discretion, communications with members of the evaluation committee, other MHCRC staff or elected MHCRC officials for the purpose of unfairly influencing the outcome of this IRFP may be cause for the Proposer's proposal to be rejected and disqualified from further consideration.

The MHCRC has the right to reject any or all proposals for good cause, in the public interest.

3. CLARIFYING PROPOSAL DURING EVALUATION

At any point during the evaluation process, the MHCRC is permitted, but is not required, to seek clarification of a proposal. However, a request for clarification does not permit changes to a proposal.

SECTION B

CONTRACT AWARD

1. CONSULTANT

The MHCRC will attempt to reach a final agreement with the highest scoring

SELECTION

Proposer. However, the MHCRC may, in its sole discretion, terminate negotiations and reject the proposal if it appears agreement cannot be reached. The MHCRC may then attempt to reach a final agreement with the second highest scoring Proposer and may continue on, in the same manner, with remaining proposers until an agreement is reached. A consultant selection process will be carried out under Portland City Code Chapter 5.68.

2. CONTRACT DEVELOPMENT

The proposal and all responses provided by the successful Proposer may become a part of the final contract. The form of contract shall be the MHCRC's Contract for PTE Services.

3. REVIEW

Following the Notice of Intent to Award, the public may view proposal documents. However, any proprietary information so designated by the Proposer as a trade secret or confidential and meeting the requirements of ORS 192.501, 192.502 and/or ORS 646.461 et seq., will not be disclosed unless the Multnomah County District Attorney determines that disclosure is required. At this time, Proposers not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the evaluation committee.