

STATE OF OREGON



COVER PAGE

Department of Administrative Services, Enterprise Goods and Services,
Procurement Services

on behalf of

Oregon Liquor Control Commission

SEED TO SALE TRACKING SYSTEM

Request for Proposal (RFP)

DASPS-2051-15

Date of Issue: March 10, 2015

Closing Date: April 10, 2015

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SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

The State of Oregon, acting by and through the Department of Administrative Services, Enterprise Goods and Services, Procurement Services, (“DAS PS”) on behalf of the State of Oregon, Oregon Liquor Control Commission (“Agency” or “OLCC”), is issuing this Request for Proposals to acquire a web-based inventory tracking system (“Seed-to-Sale System” or “System”).

In addition to its existing regulatory over alcoholic beverages the OLCC has been tasked with implementing the control, regulation, and taxation requirements of the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act (Act). Oregon voters passed the Act as Measure 91 on November 4, 2014. The Act allows individuals over 21 years of age to possess and consume marijuana under state law and creates a license model for the production and distribution of marijuana. OLCC is responsible for licensing, taxing and regulating the recreational marijuana industry in Oregon.

While the Act makes the licensed production and distribution of marijuana legal under state law, marijuana remains illegal in neighboring states and under federal law. Additionally, unlicensed commercial production and distribution of marijuana remains illegal within Oregon. These circumstances create unique regulatory challenges. The OLCC needs a seed-to-sale inventory tracking system in order to prevent diversion of marijuana, allow for efficient tax and inventory audits, and facilitate our enforcement activities. The Seed-to-Sale System should allow OLCC to track individual plants and lots while recording their movement through the production process and the chain of commerce from immature plant to final sale to consumer.

OLCC intends to seek a web-based software system. The System will be used by licensees and state employees for the collection and reporting of seed-to-sale tracking information as described above.

Additional details on the Scope of the services are included in the Scope of Work section.

Agency anticipates the award of one contract from this RFP. The initial term of the Contract is anticipated to be 5 years with options to renew up to a maximum of 10 years.

1.2 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change.

Event	Date	Time
RFP Issued	March 10, 2015	
Pre-Proposal Conference	March 17, 2015	10:00 AM
Questions / Requests for Clarification Due	March 19, 2015	3:00 PM

Answers to Questions / Requests for Clarification Issued (approx.)	March 23, 2015	3:00 PM
RFP Protest Period Ends	March 24, 2015	3:00 PM
Closing (Proposals Due)	April 10, 2015	12:00 PM
Presentations, Demonstrations, or Interviews (approx..)	April 27-29, 2015	
Issuance of Notice of Intent to Award (approx.)	April 29, 2015	
Award Protest Period Ends	7 days after Notice of Intent to Award Issued	

1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFP is identified on the Cover Page, along with the SPC's contact information. Proposer shall direct all communications related to any provision of the RFP, whether about the technical requirements of the RFP, contractual requirements, the RFP process, or any other provision only to the SPC.

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

DAS PS is issuing this RFP pursuant to its authority under OAR 125-246-0170(2).

DAS PS is using the Competitive Sealed Proposals method, pursuant to ORS 279B.060 and OAR 125-247-0260. DAS PS may use a combination of the methods for Competitive Sealed Proposals, including optional procedures: a) Competitive Range; b) Discussions and Revised Proposals; c) Revised Rounds of Negotiations; d) Negotiations; e) Best and Final Offers; and f) Multistep Sealed Proposals.

2.2 DEFINITION OF TERMS

For the purposes of this RFP, capitalized words will refer to the following definitions.

2.2.1 General Definitions

Capitalized terms not specifically defined in this document are defined in OAR 125-246-0110.

For the purposes of this RFP, the following definitions will be used. These definitions do not apply to the Proposed Information Technology Services Agreement attached as Attachment A.

“Addendum” means an addition to, deletion from, a material change in, or clarification of, the RFP. Addenda shall be labeled as such, issued by DAS PS, and shall be made available to prospective Proposers as set forth in this RFP.

“Closing” means the date and time on or before Proposals must be received at the location identified on the Cover Page of this RFP to be considered.

“DAS PS” means the State of Oregon, acting by and through its Department of Administrative Services, Procurement Services.

“Offer” or “Proposal” means a firm offer submitted in response to a Request for Proposals.

“Offeror” or “Proposer” means an individual, corporation, business trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or other legal or commercial entity that has submitted a Proposal in response to this RFP.

“RFP” means this Request For Proposals, including all documents, either attached or incorporated by reference, and any Addenda thereto, used for soliciting Proposals.

“Successful Proposer” means the person, organization or governmental entity to which the notice of intent to award is made.

2.2.2 Project Specific Definitions

See Section 1, Definitions, of the Sample Contract.

2.3 OVERVIEW

2.3.1 Agency Overview and Background

The Oregon Liquor Control Commission (OLCC) is the agency responsible for controlling alcoholic beverages in Oregon by administering the state’s Liquor Control Act. OLCC’s mission is “To promote the public interest through the responsible sale and service of alcoholic beverages.”

In addition to its existing regulation of alcoholic beverages the OLCC has been tasked with implementing the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act (Act). The Act allows individuals over 21 years of age to possess and consume marijuana under state law and creates a license model for the production and distribution of marijuana. OLCC is responsible for licensing, taxing, and regulating the recreational marijuana industry in Oregon (Marijuana Program).

2.3.2 Reserved

2.3.3 Purpose

Both Measure 91 and recent federal guidance frame the need for delivering a strong and effective regulatory framework. Measure 91 aims to eliminate problems caused by the uncontrolled manufacture, delivery, and possession of marijuana. It also gives authority to establish comprehensive regulatory framework concerning marijuana.

In August 2013 and again in February 2014, the United States Department of Justice issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). The guidance gave states eight objectives to pursue which may provide some measure of protection against federal prosecution.

- 1. Preventing the distribution of marijuana to minors.*

2. *Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels.*
3. *Preventing the diversion of marijuana from where it is legal under state law to other states.*
4. *Preventing state-authorized activity from being used as a cover for illegal activity.*
5. *Preventing violence and the use of firearms in the cultivation and distribution of marijuana.*
6. *Preventing drugged driving and other adverse public health consequences associated with marijuana use.*
7. *Preventing the growing of marijuana on public lands.*
8. *Preventing marijuana use on public property.*

2.3.4 Project Goals

Agency intends to procure a Marijuana program licensee application solution (“License System”) through existing State resources. Key goals of the Seed-to-Sale Tracking System are:

- Communication with the License System, via a secure database, to support validation of licensee status.
- Enable licensees to interact with the OLCC through an inventory tracking portal.
- Enable OLCC to issue tax invoices, with communication of relevant information back to the License System.
- Enable OLCC to manage a seed -to-sale database, analyze data, and run reports.
- Enable OLCC to track, monitor, and audit marijuana products and derivatives from seed to sale.

2.3.5 SCOPE OF WORK

Seed to Sale Tracking System

The successful Proposer shall deliver an inventory tracking system that meets at least the Requirements of this RFP, including Attachment A-1, Mandatory Requirements, along with all services necessary for configuration, implementation, training, and knowledge transfer related to the System, as well as ongoing operations and support. The Agency is looking for the most economical approach to meet its goals. The System provided by the successful Proposer must be operational on or before January 4, 2016.

This Scope of Work includes the presumed activities necessary for the successful Proposer to deliver the system, and Proposers need to address them in their Proposals. If Proposer’s proposed approach varies from this Scope of Work, Proposer should provide its reasoning and explain the benefit of the proposed approach to the Agency. Deliverable requirements and Acceptance Criteria will be negotiated with the successful Proposer. Agency reserves the right to amend this RFP and the resulting Contract to expand the scope of Services provided by the successful Proposer to include additional services. Proposers may pull further details from the RFP attachments in the construction of their Proposals.

The presumed approach for System Implementation includes the following steps:

- Step I - Project Planning and Fit/Gap Analysis
- Step II –System Prototyping and Customization
- Step III - System Implementation
- Step IV- Ongoing delivery of Services

The successful Proposer shall coordinate its activities with a Licensing System contractor, OLCC's project staff, and the independent Quality Assurance (QA) contractor. Agency plans on using existing State resources to procure the Licensing System. See Section 2.3.4.

Step I - Project Planning and Fit/Gap Analysis

- **Project Implementation Plan and Status Reports.** The successful Proposer shall develop and deliver a Project Implementation Plan and Schedule, Deliverable 1, to cover the period from contract execution through Final Acceptance of the System. The Agency expects the successful Proposer will deliver status reports on and update this Deliverable on a weekly basis, unless a different reporting cycle is agreed to by the parties in the Contract. Deliverable 1 and its execution must comply with OLCC-acceptable project management protocols, such as the Project Management Book of Knowledge (PMBOK) and Agile methodologies.

- **Technical Systems Requirements**

The successful Proposer shall gather and document detailed technical Systems Requirements for the System, and deliver a Requirements Validation Report (Deliverable 2). This Deliverable must address at least:

- Technical Design documents
- Functional Design documents
- Integration and Configuration
- Security requirements and approach for applications, data, and user access
- Performance capacity – includes number of users, concurrent users, number of transactions to be handled, etc.

- **Hosting and Maintenance**

Beginning with production use of the System prototype, the successful Proposer shall provide the agreed upon hosting and support Services in accordance with a Service Level Agreement negotiated by the parties. OLCC assumes that this support will overlap any phased implementation of any additional System functionality or Services.

- **Fit/Gap Analysis and System Design**

The successful Proposer shall develop and manage all configuration and integration activities against a detailed specification and design plan (Fit/Gap Analysis) that identifies exactly how the proposed System accommodates OLCC's requirements, and the Services required to implement each requirement. The Fit/Gap Analysis must identify OLCC activities and Proposer's Services necessary to implement each requirement and component of the System and provide OLCC with a detailed understanding of how the System will be configured and integrated to meet System and Services Requirements included in this RFP. The Fit/Gap Analysis must identify implementation and enhancement options and identify the proper sequencing of activities. The specifications will address all the data, functional, interface, and technical requirements included in this RFP at a detailed level. The Fit/Gap Analysis will provide the basis for OLCC decision-making regarding each Requirement, and the subsequent implementation activities.

Step II –System Prototyping and Customization

- **Prototype Development**

OLCC defines prototyping as the work required to configure the System to meet Contractual Requirements for purposes of potential Pilot Testing, and the Prototype of the System as the "System Prototype." Proposer shall complete Prototype Development activities in accordance with the current Accepted Deliverable 1, OLCC-accepted narrative description of Proposer's recommended approach for Step II, and the current OLCC-accepted Fit/Gap Analysis documentation. Agency anticipates that prototyping will be done on a subject-area by subject-area basis, and may require Contractor to update the Project Implementation Plan and Fit/Gap Analysis documentation. Proposer must deliver a complete, updated Fit/Gap Analysis and an Application Design Document at the conclusion of Step II as Deliverable 4, Implementation Artifacts (Acceptance Testing). The Application Design Document must detail the System specifications implemented in the Prototype as that Prototype System components have been successfully tested by OLCC.

Step III - System Implementation

Proposer shall complete System Implementation activities in accordance with the current Accepted Project Implementation Plan and Schedule, and Accepted Deliverables from Step II. Implementation work may require Contractor to update the Project Implementation Plan and Schedule and Step II Deliverables. At the conclusion of Step III, Proposer shall deliver all remaining Implementation Artifacts (Deliverable 4) and any updates to prior delivered Implementation Artifacts. OLCC anticipates that the System will be submitted for Final Acceptance testing at the conclusion of this step. The scope and content of Maintenance and Operations Services referenced

in this Step III will be negotiated by OLCC and the successful Proposer, and defined in the Contract.

OLCC presumes that the System Implementation Step will include at least:

- System integration and production readiness testing
- User Acceptance testing
- Quality Assurance testing
- Training (end user and ‘train the trainer’)
- Go-Live Implementation
- System Stabilization
- Final Implementation documents

Step IV- Ongoing delivery of Services

The successful Proposer shall perform Maintenance and Operations services for the System in accordance with current, approved Maintenance and Operations Deliverables and relevant Service Level Agreement provisions as per Exhibit B, Performance Standards as attached to Attachment A of the Sample Contract. Maintenance and Operations includes at least:

- a.** Application management, Help Desk support, Systems enhancements, Systems maintenance, adaptive and preventive maintenance, performance maintenance, and Documentation updates;
- b.** System performance and Service Level Agreement monitoring, measuring, and reporting.
- c.** Business Continuity and Disaster Recovery - The successful Proposer shall ensure the System is protected against natural disasters, hardware and software failures, human error, and other contingencies that could interrupt services. The successful Proposer shall maintain a Business Continuity Plan (BCP) that includes a Disaster Recovery (DR) Plan that is acceptable to OLCC.. The successful Proposer shall maintain the plan throughout the life of the Contract. The BCP will describe a load balanced active replica BCP, and will address recovery of business functions, business units, business processes, human resources, and the technology infrastructure sufficient to demonstrate that the System is protected against natural disasters, hardware and software failures, human error, and other events that could interrupt services.

NOTE: Proposer is required to submit a proposed Work Breakdown Structure, which must align with its proposed SOW.

Proposer shall submit any License Agreements necessary for its system and any Service Level Agreement documents.

SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION

3.1 MINIMUM SUBMISSION REQUIREMENTS

3.1.1 Proposal Format and Quantity

Proposal should follow the format and reference the sections listed in the Proposal Content Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed. Proposal must describe in detail how requirements of this RFP will be met and may provide additional related information. Cost information must be submitted as a separate electronic file/sealed envelope.

Proposer shall submit its Proposal without extensive art work, unusual printing or other materials not essential to the utility and clarity of the Proposal. Proposer shall not include marketing material.

Proposer shall submit an original hard copy, bearing the Proposer's authorized representative's Signature on white 8 ½" x 11" Recycled Paper and 6 electronic copies on electronic media such as USB drive or CD.

In addition, if Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.410 through 192.505), Proposer shall complete and submit the Affidavit of Trade Secret (Attachment B) and a fully redacted hard copy version of its Proposal, clearly identified as the redacted version.

Proposer shall submit its Proposal in a sealed package addressed to the SPC with the Proposer's name and the RFP number clearly visible on the outside of the package.

Proposer's electronic copy of the Proposal by USB drive, DVD, or CD must be formatted using Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx).

3.1.2 Reserved

3.1.3 Authorized Representative

A representative authorized to bind the Proposer shall sign the Proposal. Failure of the authorized representative to sign the Proposal may subject the Proposal to rejection by DAS PS.

3.2 ROUND 1 PROCUREMENT PROCESS

3.2.1 Public Notice

The RFP, including all Addenda and attachments, is published in the Oregon Procurement Information Network (ORPIN) at <http://www.orpin.oregon.gov>. RFP documents will not be mailed to prospective Proposers.

DAS PS shall advertise all Addenda on ORPIN. Prospective Proposer is solely responsible for checking ORPIN to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

3.2.2 Questions / Requests for Clarification

All inquiries, whether relating to the RFP process, administration, deadline or method of award, or to the intent or technical aspects of the RFP must:

- Be delivered to the SPC via email or hard copy
- Reference the RFP number
- Identify Proposer's name and contact information
- Be sent by an authorized representative
- Refer to the specific area of the RFP being questioned (i.e. page, section and paragraph number); and
- Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule

3.2.3 Pre-Proposal Conference

A pre-Proposal conference will be held at the date and time listed in the Schedule. Prospective Proposers' participation in this conference is **mandatory**.

The purpose of the pre-Proposal conference is to:

- Provide additional description of the project;
- Explain the RFP process; and
- Answer any questions Proposers may have related to the project or the process.

Statements made at the pre-Proposal conference are not binding upon DAS PS or the Agency. Proposers may be asked to submit questions in Writing.

3.2.3.1 The Pre-Proposal Conference will be held on March 17, 2015 at 10:00 AM (Pacific Time), located at the Oregon Liquor Control Commission, Room 103A, at 9079 SE McLoughlin Blvd, Portland, OR 97222.

Prospective Proposers that are not able to attend the Pre-Proposal Conference at the address listed above will have the option to call into the following number: 1-888-363-4735, access code 778144.

3.2.4 Solicitation Protests

3.2.4.1 Protests to RFP

Prospective Proposer may submit a Written protest of anything contained in this RFP, including but not limited to, the RFP process, Specifications, Scope of Work, and the proposed Contract. This is prospective Proposer's only opportunity to protest the provisions of the RFP, except for protests of Addenda or the terms and conditions of the proposed Contract, as provided below.

3.2.4.2 Protests to Addenda

Prospective Proposer may submit a Written protest of anything contained in the respective Addendum. Protests to Addenda, if issued, must be submitted by the date/time specified in the respective Addendum, or they will not be considered. Protests of matters not added or modified by the respective Addendum will not be considered.

3.2.4.3 Protests must:

- Be delivered to the SPC via email or hard copy
- Reference the RFP number
- Identify prospective Proposer's name and contact information
- Be sent by an authorized representative
- State the reason for the protest, including:
 - the grounds that demonstrate how the Procurement Process is contrary to law, Unnecessarily Restrictive, legally flawed, or improperly specifies a brand name; and
 - evidence or documentation that supports the grounds on which the protest is based
- State the proposed changes to the RFP provisions or other relief sought
- Protests to the RFP must be received by the due date and time identified in the Schedule
- Protests to Addenda must be received by the due date identified in the respective Addendum

3.2.4.4 Protest Response

DAS PS will respond timely to all protests submitted by the due date and time listed in the Schedule. Protests that are not received timely or do not include the required information may not be considered.

3.2.5 Proposal Submission Options

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before Closing. DAS PS is not responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Proposal submitted by any means not authorized will be rejected.

3.2.5.1 Submission through ORPIN

Submission through ORPIN is not allowed for this RFP.

3.2.5.2 Submission through Mail or Parcel Carrier

Proposal may be submitted through the mail or via parcel carrier, and must be clearly labeled and submitted in a sealed envelope, package or box. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be sent to the attention of the SPC at the address listed on the Cover Page.

3.2.5.3 Submission in Person

Proposal may be hand delivered, and must be clearly labeled and submitted in a sealed envelope, package or box. Proposal will be accepted, prior to Closing, during DAS PS's normal Monday –Friday business hours of 8:00 am to 5:00 pm Pacific Time, except during State of Oregon holidays and other times when DAS PS is closed. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be delivered to the attention of the SPC at the address listed on the Cover Page.

3.2.6 Proposal Modification or Withdrawal

Any Proposer who wishes to make modifications to a Proposal already received by DAS PS shall submit its modification in one of the manners listed in the Proposal Submission Options section and must denote the specific change(s) to the Proposal submission.

If a Proposer wishes to withdraw a submitted Proposal, it shall do so prior to Closing. The Proposer shall submit a Written notice Signed by an authorized representative of its intent to withdraw its Proposal in accordance with OAR 125-247-0440. The notice must include the RFP number and be submitted to the SPC.

3.2.7 Proposal Due

Proposal and all required submittal items must be received by the SPC on or before Closing. Proposal received after the Closing will not be accepted. All Proposal modifications or withdrawals must be completed prior to Closing.

Proposals received after Closing are considered LATE and will NOT be accepted for evaluation. Late Proposals will be returned to the respective Proposer or destroyed.

3.2.8 Proposal Rejection

DAS PS may reject a Proposal for any of the following reasons:

- Proposer fails to substantially comply with all prescribed RFP procedures and requirements, including but not limited to the requirement that Proposer's authorized representative sign the Proposal in ink.
- Proposer fails to meet the responsibility requirements of ORS 279B.110.
- Proposer makes any contact regarding this RFP with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Proposer attempts to inappropriately influence a member of the Evaluation Committee.
- Proposal is conditioned on DAS PS's acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFP or Addenda.

3.2.9 Opening of Proposal

There will be no public Opening of Proposals. Proposals received will not be available for inspection until after the evaluation process has been completed and the Notice of Intent to

Award is issued pursuant to OAR 125-247-0630. However, DAS PS will record and make available the identity of all Proposers after Opening.

3.3 ROUND 1 PROPOSAL CONTENT REQUIREMENTS

Proposal must address each of the items listed in this section and all other requirements set forth in this RFP. Proposer shall describe the System and Services to be performed. A Proposal that merely offers to provide the System or services as stated in this RFP will be considered non-Responsive to this RFP and will not be considered further.

3.3.1 Proposal Certification Sheet (Mandatory)

The Proposer shall complete and submit the Proposal Certification Sheet (Attachment C).

3.3.2 Proposer Information Sheet (Mandatory)

The Proposer shall complete and submit the Proposer Information Sheet (Attachment D).

3.3.3 Tax Affidavit (Mandatory)

The Proposer shall complete and submit the Tax Affidavit (Attachment E).

Failure to demonstrate compliance with Oregon Tax Laws may result in a finding of non-responsibility.

3.3.4 Fiscal Responsibility (Mandatory)

Provide a description of how Proposer conducts business in a fiscally responsible manner and how Proposer will remain financially solvent during the proposed Contract period.

3.3.5 Experience and Qualifications (Scored)

Provide a description of Proposer's organization and describe in detail the number of years of experience executing projects similar in scope and size to those project described in this RFP.

3.3.6 Key Persons and their Resumes (Scored)

Specify Key Persons to be assigned to this Project, and include a current resume (not to exceed 2 pages each) for each individual that demonstrates qualifications and experience for the Work described. Agency expects Key Persons to remain with the project throughout the duration of the Contract.

3.3.7 Business and Technical Proposal (Scored)

The Agency's business and technical requirements are contained in Attachment A-1. Proposer shall complete this document for all items marked M (Mandatory). Proposer may complete the section(s) of the document for those items that are marked D (Desirable). Proposer shall describe how its proposed solution meets each requirement in the space allotted.

3.3.8 References (Scored)

Provide only 3 references from current or former client firms for similar projects performed for any clients within the last 5 years. References must verify the quality of previous, related Work.

DAS PS may check to determine if references provided support Proposer's ability to comply with the requirements of this RFP. DAS PS may use references to obtain additional information, break tie scores, or verify any information needed. Agency may contact any reference (submitted or not) to verify Proposer's qualifications.

Proposer shall send the Reference Check Form (Attachment F) to its references. Reference forms must be completed by the reference, returned to the Proposer and submitted with the Proposal.

3.3.9 Training Plan (Scored)

Provide a training plan that addresses training and knowledge transfer that will allow Agency to effectively operate the System after implementation. The plan must indicate the availability of basic tutorials and training guides and their medium/method. Agency anticipates that at least initial training will be delivered in a classroom environment. Proposer shall also include in its Proposal "train the trainer" services.

3.3.10 Project Implementation Plan (Scored)

Briefly describe how Proposer would carry out the major activities of this project in context of the Scope of Work. Provide a comprehensive management plan that the Proposer intends to follow. Illustrate how the plan will serve to coordinate and accomplish the work.

3.3.11 Scope of Work Including Work Breakdown Structure (Scored)

Proposer shall provide a Scope of Work that includes the minimum requirements as set forth in Section 2.3.5. Proposer shall include a Work Breakdown Structure that addresses each of its proposed Tasks and Deliverables.

3.3.12 Cost Proposal (Scored)

Submit a detailed all inclusive Cost Proposal (Attachment I) that itemizes the total cost of services for the five 5 years. Itemized costs must include all one-time and recurring costs, including the following minimum requirements:

- Software Use /License
- Installation and Implementation
- Training
- Maintenance

3.3.13 Public Record/Confidential or Proprietary Information

All Proposals are public record and are subject to public inspection after DAS PS 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 192.410 through 192.505),

Proposer shall complete and submit the Affidavit of Trade Secret (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 192.410 through 192.505) and identifying the Proposal, in whole, as exempt from disclosure is not acceptable. Agency 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.

3.4 ROUND 1 EVALUATION PROCESS

3.4.1 Responsiveness and Responsibility Determination

Proposals received prior to Closing will be reviewed for Responsiveness to all RFP requirements including compliance with Minimum Requirements section and Proposal Content Requirements section. If the Proposal is unclear, the SPC may request clarification from Proposer. However, clarifications may not be used to rehabilitate a non-Responsive Proposal. If the SPC finds the Proposal non-Responsive, the Proposal may be rejected, however, Agency may waive mistakes in accordance with OAR 125-247-0470.

In accordance with OAR 137-047-0261(6)(a)(A), Agency may establish a Competitive Range of all Proposers who have made a good faith effort in submitting a Proposal in response to this RFP for the purpose of correcting deficiencies in Proposals for determining responsiveness during Round 1.

At any time prior to award, Agency may reject a Proposer found to be not Responsible.

3.4.2 Evaluation Criteria

Proposals meeting the requirements outlined in the Proposal Content Requirements section will be evaluated by an Evaluation Committee. Evaluators will assign a score for each evaluation criterion listed below in this section.

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposals. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

3.4.2.1 Experience and Qualifications (Maximum 5 Points)

- Ability of Proposer to demonstrate experience and qualifications
- Ability of Proposer to demonstrate successful implementation of similar size and scope projects
- Ability of Proposer to demonstrate experience and qualifications with marijuana specific applications

3.4.2.2 Key Persons & Resumes (Maximum 5 Points)

The State requires a well-qualified team committed to the success of this project. The following assumptions apply to the Key Persons.

- The project will not be adversely affected by any other projects the Contractor is conducting.
- Key Persons assigned to the Seed-to-Sale System project will not be removed from the project unless agreed to by OLCC.
- All personnel and subcontractors that will work on-site at OLCC must be pre-approved for site access via a criminal background check to be administered by OLCC.
- In the event that OLCC denies access to, or request removal of specific Contractor personnel or a subcontractor, Contractor shall provide an acceptable replacement that OLCC approves with no impact to the project.
- Provide a staffing plan for this project showing the proposed key management and technical team for the project that can ensure the success of the project. The staffing plan will include the job title, job role, and the number of resources for the project and the percent of their involvement in the project.
- Provide the resumes for all proposed project staff. Each resume must include: education, training, technical experience, functional experience, names of employers, dates of employment for each assignment, relevant and related experience, past and present projects, and applicable certifications.

3.4.2.3 Business and Technical Proposal (Maximum 25 Points)

- Proposer's responses to Attachment A-1 will be evaluated against the detailed project requirements.

3.4.2.4 References (Maximum 5 Points)

- Ability of Proposer to demonstrate successful implementation of similar size and scope projects.
- Ability of the Proposer to provide good customer service and maintain good business relationships.

3.4.2.5 Training Plan (Maximum 20 Points)

- Ability of Proposer's training plan to prepare Agency to assume responsibility for operation of Proposer's System.
- Ability of Proposer to provide basic tutorials and training guides.

3.4.2.6 Project Implementation Plan (Maximum 15 Points)

- Ability of the Proposer's Implementation Plan to adequately document an acceptable approach to implement Proposer's system.
- Ability of the Proposer's Implementation Plan to identify and mitigate risk.

3.4.2.7 Cost Proposal (Maximum 10 Points)

- Detailed in Attachment I.
- The SPC will conduct the cost evaluation. The SPC will award a cost score to each Cost Proposal based upon the percentage of the proposed cost as compared to the lowest Proposer's cost using the following formula:

$$\frac{\text{lowest cost of all Proposers}}{\text{cost being scored}} \times \text{cost points possible} = \text{cost score}$$

3.4.2.8 Scope of Work Including Work Breakdown Structure (Maximum 15 Points)

Proposer will be evaluated on the completeness and accuracy of the documents submitted, and a determination that the proposed Work Breakdown Structure indicates successful delivery of the required Seed-to-Sale System on or before January 4, 2016.

3.5 ROUND 1 NEXT STEP DETERMINATION

After the Round 1 Scores are calculated, DAS PS may determine Apparent Successful Proposer at the conclusion of Round 1 evaluation, or DAS PS may conduct additional rounds of competition if in the best interest of the State. Additional rounds of competition may consist of, but will not be limited to:

- Establishing a Competitive Range
- Presentations/Demonstrations/Additional Submittal Items
- Interviews
- Best and Final Offers

3.6 ROUND 1 COMPETITIVE RANGE

3.6.1 Competitive Range Determination

Proposers with the 3 highest scoring Round 1 Proposals will advance to Round 2. DAS PS may increase or decrease the number of Proposers advancing to Round 2 if there is a natural break in the scores. DAS PS will post a notice in ORPIN of the Competitive Range Determination for Round 1, which includes the Proposers advancing to Round 2.

3.6.2 Reserved

3.7 ROUND 2 PROCUREMENT PROCESS

3.7.1 Interviews (Maximum 30 Points)

For those Proposers advancing to Round 2, Round 1 scores will not be carried forward into Round 2.

Proposers progressing to Round 2 will be invited to participate in Proposer interviews. Interviews may be in person at a location determined by DAS PS; however, DAS PS may elect to conduct interviews via teleconference or video conference. Further details will be provided prior to scheduling interviews and may be included with Notice of Competitive Range.

3.7.2 Demonstrations (Maximum 70 Points)

Proposers progressing to Round 2 will be invited to provide demonstrations. Invited Proposers shall have the appointed Project Manager and Technician Lead present at the Round 2 Interviews and Demonstrations. Demonstrations will be in person at a yet to be established location. Further details will be provided prior to scheduling demonstrations and may be included with Notice of Competitive Range.

3.7.3 Evaluation

Evaluators will score the Interviews and Demonstrations as per the maximum points listed above.

3.7.4 Evaluation Criteria

Interviews and Demonstrations will be evaluated as to Proposer's and the proposed System's ability to meet System Requirements, ease of use, and adaptability, and for the project to achieve the January 4, 2016 'go live' date. SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Interviews and Demonstrations. A response to a clarification request must be to clarify or explain portions of the Interviews or Demonstrations and may not contain new information not included in the original Proposal.

3.8 ROUND 2 NEXT STEP DETERMINATION

DAS PS may determine Apparent Successful Proposer at the conclusion of Round 2 evaluation, or DAS PS may conduct additional rounds of evaluation if in the best interest of the State. Additional rounds of evaluation will be added via Addendum of this RFP, and may consist of, but will not be limited to:

- Best and Final Offer

3.9 PREFERENCES

3.9.1 Reciprocal Preference

For evaluation purposes per OAR 125-246-0310, DAS PS shall add a percent increase to each out-of-state Proposer's Proposal price that is equal to the percent preference, if any, given to a Resident Offeror of the Proposer's state.

3.9.2 Recycled Materials

In comparing Goods from two or more Proposers, if at least one Proposer offers Goods manufactured with Recycled Materials, and at least 1 Proposer does not, DAS PS will select the Proposer offering Goods manufactured from Recycled Materials if each of the conditions specified in ORS 279A.125 (2) exists following any adjustments made to the price of the Goods according to any applicable reciprocal preference.

3.9.3 Tiebreakers

Oregon Services: If DAS PS receives Proposals identical in price, fitness, availability and quality and chooses to award a Contract, DAS PS shall award the Contract in accordance with the procedures outlined in OAR 125-246-0300.

3.10 POINT AND SCORE CALCULATIONS

Scores are the values assigned by each evaluator.

Points are the total possible value for each section as listed in the table below.

The SPC will average all scores for each evaluation criterion as determined by the total scores divided by the number of Evaluators.

Cost points are calculated as stated in the Cost Evaluation section. Points possible are as follows:

TOTAL POINTS POSSIBLE :		
ROUND 1 POINTS POSSIBLE		100
3.4.2.1	Experience and Qualifications	5
3.4.2.2	Key Persons & Resumes	5
3.4.2.3	Business and Technical Proposal	25
3.4.2.4	References	5
3.4.2.5	Training Plan	20
3.4.2.6	Project Implementation Plan	15
3.4.2.7	Cost Proposal	10
3.4.2.8	Scope of Work Including Work Break Down Structure	15
ROUND 2 POINTS POSSIBLE		100
3.7.1	Interviews	30
3.7.2	Demonstrations	70

ADDITIONAL ROUNDS POINTS POSSIBLE		TBD
	To be determined (TBD)	TBD

3.11 RANKING OF PROPOSERS

SPC will rank all Proposers advancing through all rounds of evaluation. The SPC will total the final average score (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members) from all rounds of competition, together with references, and final cost. After each applicable preference has been applied, SPC will determine rank order for each respective Proposal and Proposer, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

Points from Round 1 will not carry forward into Round 2. Round 2 is an independent round of evaluation which may result in determining the Apparent Successful Proposer.

SECTION 4: AWARD AND NEGOTIATION

4.1 AWARD NOTIFICATION PROCESS

4.1.1 Award Consideration

DAS PS, if it awards a Contract, shall award a Contract to the highest ranking Responsible Proposer(s) based upon the scoring methodology and process described in Section 3. DAS PS may award less than the full Scope defined in this RFP.

4.1.2 Intent to Award Notice

DAS PS will notify all Proposers in Writing that Agency intends to award a Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

4.2 INTENT TO AWARD PROTEST

4.2.1 Protest Submission

An Affected Offeror will have 7 calendar days from the date of the intent to award notice to file a Written protest.

A Proposer is an Affected Offeror only if the Proposer would be eligible for Contract award in the event the protest was successful and is protesting for one or more of the following reasons as specified in ORS 279B.410:

- All higher ranked Proposals are non-Responsive.
- DAS PS has failed to conduct an evaluation of Proposals in accordance with the criteria or process described in the RFP.
- DAS PS abused its discretion in rejecting the protestor's Proposal as non-Responsive
- DAS PS's evaluation of Proposals or determination of award otherwise violates ORS Chapter 279B or ORS Chapter 279A.

If DAS PS receives only one Proposal, Agency may dispense with the intent to award protest period and proceed with Contract Negotiations and award.

4.2.1.1 Protests must:

- Be delivered to the SPC via email or hard copy
- Reference the RFP number
- Identify prospective Proposer's name and contact information
- Be signed by an authorized representative
- Specify the grounds for the protest
- Be received within 7 calendar days of the intent to award notice

4.2.2 Response to Protest

DAS PS will address all timely submitted protests within a reasonable time and will issue a Written decision to the respective Proposer. Protests that do not include the required information may not be considered by DAS PS.

4.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS

4.3.1 Reserve

4.3.2 Insurance

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

Failure to demonstrate coverage may result in DAS PS terminating Negotiations and commencing Negotiations with the next highest ranking Proposer. Proposer is encouraged to consult its insurance agent about the insurance requirements contained in Insurance Requirements (Exhibit C of Attachment A) prior to Proposal submission.

4.3.3 Taxpayer Identification Number

The apparent successful Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form if either of the following applies:

- When requested by DAS PS (normally in an intent to award notice), or
- When the backup withholding status or any other information of Proposer has changed since the last submitted W-9 form, if any.

Agency will not make any payment until Agency has a properly completed W-9.

4.3.4 Business Registry

If selected for award, Proposer shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Contract. The selected Proposer shall submit a current Oregon Secretary of State business registry number, or an explanation if not applicable.

All Corporations and other business entities (domestic and foreign) must have a Registered Agent in Oregon. See requirements and exceptions regarding Registered Agents. For more information, see Oregon Business Guide, How to Start a Business in Oregon and Laws and

Rules. The titles in this subsection are available at the following Internet site:
<http://www.filinginoregon.com/index.htm>.

4.4 CONTRACT NEGOTIATION

4.4.1 Negotiation

By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of Attachment A (Sample Contract), with the exception of those terms reserved for negotiation. Proposer shall review the attached Sample Contract and note exceptions. The State intends to enter into a Contract with the successful Proposer substantially in the form set forth in Attachment A. It may be possible to negotiate some provisions of the final Contract; however, many provisions cannot be changed. Proposer is cautioned that the State of Oregon believes modifications to the standard provisions constitute increased risk and increased cost to the State.

Any Proposal that is conditioned upon DAS PS's acceptance of any other terms and conditions may be rejected. Any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice.

All items, except those listed below, may be negotiated between Agency and the apparent successful Proposer in compliance with Oregon State laws:

- Choice of law
- Choice of venue
- Constitutional requirements
- Debt limitation

In the event that the parties have not reached mutually agreeable terms within 30 calendar days, DAS PS may terminate Negotiations and commence Negotiations with the next highest ranking Proposer.

4.4.2 RESERVED

4.4.3 Negotiation And Best And Final Offers

The State reserves the right to accept no proposal or to accept any proposal, as submitted, with or without negotiation. A Responsible and responsive Proposer may be asked to negotiate with the State in developing a potential final contract. If the State determines that further negotiations are in its best interests, it may advise one or more responsible and responsive Proposer how such negotiations will be conducted, and upon completion of such negotiations, may ask one or more of such Proposer to prepare and submit a best and final offer (BAFO) for consideration. The State may then select a Proposer based on this written proposal with or without further negotiations.

NOTE: A BAFO process is not a guaranteed event and is entirely at the discretion of DAS PS. **It is strongly recommended that the Proposer consider its first proposal submission as its BAFO.**

SECTION 5: ADDITIONAL INFORMATION

5.1 OMWESB PARTICIPATION

Pursuant to Oregon Revised Statute (ORS) Chapter 200, and as a matter of commitment, DAS PS encourages the participation of minority, women, and emerging small business enterprises in all contracting opportunities. DAS PS also encourages joint ventures or subcontracting with minority, women, and emerging small business enterprises. For more information please visit <http://www.oregon.gov/gov/MWESB/Pages/index.aspx>

If the Contract results in subcontracting opportunities, the successful Proposer may be required to submit a completed OMWESB Outreach Plan (Attachment G) prior to execution.

5.2 GOVERNING LAWS AND REGULATIONS

This RFP is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFP, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.

5.3 OWNERSHIP/PERMISSION TO USE MATERIALS

All Proposals submitted in response to this RFP become the Property of DAS PS. By submitting a Proposal in response to this RFP, Proposer grants the State a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Proposal solely for the purpose of evaluating the Proposal, negotiating an Agreement, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (ORS 192.410 through 192.505). Proposals, including supporting materials, will not be returned to Proposer unless the Proposal is submitted late.

5.4 CANCELLATION OF RFP; REJECTION OF PROPOSALS; NO DAMAGES.

Pursuant to ORS 279B.100, DAS PS may reject any or all Proposals in-whole or in-part, or may cancel this RFP at any time when the rejection or cancellation is in the best interest of the State or DAS PS, as determined by DAS PS. Neither the State nor DAS PS is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

5.5 COST OF SUBMITTING A PROPOSAL

Proposer shall pay all the costs in submitting its Proposal, including, but not limited to, the costs to prepare and submit the Proposal, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with protests.

5.6 STATEWIDE E-WASTE/RECOVERY POLICY

If applicable, Proposer shall include information in its Proposal that demonstrates compliance with the Statewide [E-Waste/Recover Policy](#) effective July 1, 2012.

5.7 RECYCABLE PRODUCTS

Proposer shall use recyclable products to the maximum extent economically feasible in the performance of the Services or Work set forth in this document and the subsequent Contract. (ORS 279B.025)

5.8 RESERVED

5.9 CHECKLIST DISCLAIMER

Any checklists that may be contained in this RFP are provided only as a courtesy to prospective Proposer. DAS PS makes no representation as to the completeness or accuracy of any Checklist. Prospective Proposer is solely responsible for reviewing and understanding the RFP and complying with all the requirements of this RFP, whether listed in a checklist or not. Neither the State nor DAS PS is liable for any claims, or subject to any defenses, asserted by Proposer based upon, resulting from, or related to, Proposer's failure to comprehend all requirements of this RFP.

SECTION 6: LIST OF ATTACHMENTS

ATTACHMENT A	SAMPLE CONTRACT
ATTACHMENT A-1	SEED TO SALE SYSTEM REQUIREMENTS
ATTACHMENT B	AFFIDAVIT OF TRADE SECRET
ATTACHMENT C	PROPOSAL CERTIFICATION SHEET
ATTACHMENT D	PROPOSER INFORMATION SHEET
ATTACHMENT E	AFFIDAVIT OF COMPLIANCE WITH TAX LAWS
ATTACHMENT F	REFERENCE CHECK FORM
ATTACHMENT G	OMWESB OUTREACH PLAN
ATTACHMENT H	PROPOSAL CHECKLIST
ATTACHMENT I	COST PROPOSAL FORM