REQUEST FOR PROPOSAL FOR MUNICIPAL ADVISORY SERVICES

Re: Professional Services for Planning and Authorization of a Bond Sale

Lincoln County, Oregon

Issue Date:	October 25, 2024
Issuing Office:	Lincoln County
Contact:	Tim Johnson, County Administrator
Address:	225 West Olive St. Rm. 110, Newport, Oregon 97365
Phone:	541-265-4100
E-mail:	BOC@co.lincoln.or.us

GENERAL INFORMATION

1. General Information

This Request for Proposals("RFP") is being issued by Lincoln County, Oregon to professional services to assist the County with the planning and authorization of a bond sale, from inception to closing, including advising the County on the preferred method of selling the bonds in 2024/25.

Qualified individuals or firms with experience in the planning and authorization of bond sales and with an interest in making their services available to the County are invited to respond to this RFP. Respondents mean; the individuals or firms that submit proposals in response to this RFP. It is understood that the selected respondent acting as an individual, partnership, or corporation or other legal entity is licensed and capable of providing the specified services. The respondent shall be financially solvent and each of its members, if a joint venture, its employees, agents, or sub-contractors of any tier, shall be competent to perform the services required under this RFP.

2. General Proposer Requirements

Any respondent submitting a proposal must meet the following minimum requirements:

A. All Proposers must be licensed to perform business in the State of Oregon and properly licensed to perform the services described in this RFP;
B. All Proposers must be experienced in those services requested of County;
C. All Proposers must agree to execute County's Professional Services Agreement, if awarded; and
D. All Proposers must carry required insurance, naming County as an additional insured.

3. Project Description

Lincoln County, Oregon is seeking bids for professional services to assist the County with the planning and authorization of a bond sale, from inception to closing, including advising the County on the preferred method of selling the bonds in 2024/25, to fund, in whole or in part, a planned construction project at the Lincoln County Commons. Anticipated services are identified below, but is not a comprehensive list:

- Assist and evaluate process for borrowing and bonds for Lincoln County;
- Coordinate all elements of a bond sale from inception to closing including advising the County on the preferred method of the bonds
- Consultant will determine the estimated amount of funds needed and the corresponding size of the issue.

- Advise the County on the services with underwriters, underwriters counsel, paying agent/fiscal agent, rating agencies and credit enhancement providers if required.
- Bond issuance costs such as and if applicable, Bond Counsel, Underwriter, Municipal Advisor, rating agency and paying any agent fees, credit enhancement, bond reserve and costs of posting an official statement;
- Estimation of Transient Room Tax revenues, include estimates for uncollected taxes. Amounts to fund debt service for approximately one year may need to be included;
- Advise County on any discounts, such as underwriting;
- Select the appropriate method of sale (competitive, negotiated, bank loan/direct placement) based on the characteristics of the proposed bonds;
- Advise the County related to the issuance, such as, should the County have a citizen advisory committee;
- Advise County on the adoption of authorizing actions which, depending on the borrowing, may be a resolution, ordinance or authorization requiring the issuance if necessary;
- Advise the County if a negotiated sale is determined to be appropriate for the characteristics of the bonds, distribute Request for Proposals to select one or more Underwriters for the bond;
- Determine available cash flows and alternatives to pay debt service on the bonds;
- Advise the County on the structure of the bonds to match needs with cash flow and minimize costs and other considerations;
- Work with County's Bond Counsel to ensure the following functions:
    - Opining on the validity of a borrowing
    - Opining on the tax-exempt status of a borrowing

- Provide expert guidance on the structuring, pricing, sale, and servicing of a Bond;
- Negotiate the best terms on the bond sale for a negotiated issue or prepare the bonds for a competitive bid process;
- Provide Assistance with determining the estimated amount of funds needed and corresponding issue;
- Prepare and review bond orders, indentures, escrow deposit agreements for debt issuance;
- Assist the County with informational requirements for a bond rating and advice on the desirability of an Issuer presentation to the rating agencies;
- Attend meetings held by county departments or the Board of Commissioners as needed when establishing terms and authorizing debt issue.

4. **Purpose:** This RFP is to contract for professional services to be provided to Lincoln County.

5. **Who May Respond:** All proposers are invited to respond to this RFP by submitting a proposal consistent with the terms and conditions, and specification stated herein fulfill requirements of state licensing in Oregon.

6. **Instructions on Proposal Submission:**
   A. Closing submission Date. Proposals must be submitted no later than 5:00pm on Friday, November 22, 2024.
   B. Inquiries and submission of proposals concerning this RFP should be made to:
      Tim Johnson
      County Administrator
      Lincoln County
      225 West Olive St. Room 110
      Newport, OR 97365
      541-265-4100
      BOC@co.lincoln.or.us

   C. All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Proposers and will not be reimbursed by the Lincoln County.
   D. It is the responsibility of the proposers to ensure timely submission. Late proposals will not be considered.
   E. Lincoln County reserves the right to reject any and all proposals received that are not in compliance with all prescribed public bidding procedures and requirements. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
   F. It is anticipated that the selection process will be completed within two weeks of the closing date from the receipt of proposals, however this timeline may be adjusted based on the proposals submitted, County staffing and workflow requirements. Upon conclusion of final negotiations all proposers will be informed in writing.

7. **Proposal Contents**

   All Proposals shall follow the format described in this RFP. It is the intent of the County to solicit proposals that are complete yet concise, descriptive yet brief. The proposal should enable the selection committee to fairly evaluate each proposal as such proposers shall utilize the following format:

   A. The Proposer shall sign and submit a Cover Sheet.
   B. Description of Qualifications: Relevant experience, including relevant examples of similar projects and 3 references.
   C. Proposed key personnel and project organization.
   D. In the proposal, illustrate a timetable for the services.
   E. The work contemplated including options available to the County, compliance issues, and suggestions.
   F. Describe any lawsuits or claims: Provide a list of any outstanding lawsuits including claims, both settle and unsettled for the past five years.

8. Evaluation

Submission of Proposals. All submission shall include an original, either by mailing to address identified in paragraph 6C or emailing to the following: BOC@co.lincoln.or.us Attention: Tim Johnson

Evaluation Procedure and Criteria. Lincoln County staff will review proposals and make recommendations to the Board of Commissioners for final approval. The County may request a meeting with qualified Proposers prior to selection. Proposals will be reviewed in accordance with the following criteria and scored pursuant to paragraph 27:

Proposed approach to Proposal Content
Level of experience of the organization to perform this work
Price
Reference Checks

9. Schedule of Events

The County anticipates the following general timeline for receiving and evaluating the proposals and selecting a consultant. This schedule is subject to change if it is in County's best interest to do so.

Posting of RFP	10-25-2024
Deadline for Clarifications/Questions/Changes to RFP	11-04-2024
Deadline for Protests of RFP	11-15-2024
Proposals Due	11-22-2024
Evaluations of Proposals Complete	12-05-2024
BOC Review and Posting of Notice of Intent to Award	relevant BOC meeting
Deadline for Protests to Award	7 days later
Contract Entry	January 22, 2025

10. RFP Clarification, Protests and Addenda

A. Informal Questions or Requests for Clarification. Any proposer requiring clarification of the information provided in this RFP may submit specific questions or comments in writing to the contact set forth in paragraph 6C of this RFP. The deadline for submitting such questions is set forth in paragraph 9.

B. Protest. Any proposer wishing to protest this RFP or specifications, or terms contained in the solicitation documents, must submit such protests to the contact set forth in paragraph 6C. The deadline for submitting such protests is set forth in paragraph 9. The

proposer's written protest must include all of the following and otherwise comply with OAR137-049-0260(3):

i. A detailed statement of the legal and factual grounds for the protest;
ii. flawed description of the resulting prejudice to the proposer;
iii. A statement of the desired changes to the terms and conditions, including any specifications; and marking of the protest as follows: "RFP Provision Protest" with sufficient information to identify the solicitation that is the subject of the protest.

C. Addenda. County reserves the right to make changes to the RFP by written addenda. If County determines that a change or clarification to the solicitation documents is necessary, such information, clarification, or interpretation will be supplied in a written addendum, posted to County's website at https://www.co.lincoln.or.us

i. Proposers should consult County's website regularly until the proposal due date and time to assure that they have not missed any addendum announcements. By submitting a proposal, each proposer thereby agrees that it accepts all risks, and waives all claims, associated with or related to its failure to obtain addendum information. Proposers will also be required to acknowledge receipt of each addendum in writing as part of their proposals. Additionally, County will send addenda to all prospective proposers known to have obtained the solicitation documents at the time addenda is issued. Statements made by County's representatives, including but not limited to oral or written responses to a request for clarification, are not binding on County unless confirmed by written addendum.
ii. No addenda will be issued later than five days before the date that proposals are due, except an addendum, if County deems necessary, postponing the due date for proposals, withdrawing the RFP, or modifying elements of the RFP resulting from delayed process.

11. Confidentiality

County is subject to the Oregon Public Records Law (ORS 192.311 to 192.478), which requires County to disclose all records generated or received in the transaction of County business, except as expressly exempted under ORS 192.338 to 192.355, or other applicable law. Pursuant to ORS 279C.107, County need not open proposals for public inspection until after execution of the contract(s) awarded under this RFP. Thereafter, County will not disclose records submitted by a proposer that are exempt from disclosure under the Oregon Public Records Law, subject to the following procedures and limitations:

The proposer must mark all proposal pages containing the records it has determined as confidential under Oregon Public Records Law and must segregate those pages in the following manner:

A. Such pages must be clearly marked "Confidential" on each page of the confidential document
B. Proposer must separate confidential pages from its other proposal pages by providing the confidential pages to County in a separate envelope or package. Proposer must separate confidential pages from its other proposal pages by providing the confidential pages to County in a separate e-mail file attachment.
C. In its proposal, proposer must cite the specific statutory exemption in Oregon Records Law exempting such pages from disclosure.
D. Subsections (A) and (B) above will prevail in the event these provisions conflict with formatting or response instructions elsewhere in this document.
E. Proposers may not mark an entire proposal confidential. Should a proposal be submitted in this manner, County will hold no portion of the proposal as confidential, unless such a portion is segregated as required under subsection (B) above and is determined exempt from Oregon Public Records Law.

Notwithstanding the above procedures, County reserves the right to disclose information that County determines, in its sole discretion, is not exempt from disclosure or that County is directed to disclose by the district attorney or a court of competent jurisdiction.

Prior to disclosing such information, County will make reasonable attempts to notify the Proposer of the pending disclosure.

12. Cancellation

County reserves the right to cancel this RFP at any time or to reject any or all proposals if County determines that doing so is in the public interest.

13. Late Proposals

All proposals that are not received by the proposal due date in paragraph 9 will not be considered and will be returned unopened to the Proposer(s). Phone and facsimile proposals will not be accepted. Delays due to mail and/or delivery handling, including but not limited to delays within County's internal distribution or email systems, do not excuse the Proposer's responsibility for submitting the proposal to the correct location by the proposal due date.

14. Disputes

In case of any doubt or differences of opinion as to the items or service to be furnished hereunder, or the interpretation of the provisions of the RFP, the decision of County shall be final and binding upon all parties.

15. Proposer's Representation

Each proposer, by the act of submitting its proposal, represents that:

A. It has read and understands the proposal documents and its proposal is made in accordance therewith;
B. It has familiarized itself with the local conditions and regulations under which services solicited in this RFP will be performed;
C. Its proposal is based upon the requirements described in the RFP without exception, unless clearly stated in the response.

16. Conditions of Submittal

By the act of submitting a proposal in response to this RFP, the proposer certifies that:

A. To its best knowledge and belief, no elected official, officer, employee, or person, whose salary is payable in whole or part by County, has a direct or indirect financial interest in the proposal, or in the services to which it relates, or in any of the profits thereof other than as fully described in the proposer's response to this solicitation.
B. The proposer is of lawful age (if an individual); is the only one interested in this proposal; and no person, firm, or corporation, other than that named, has any interest in the proposal, or in the proposed contract.
C. The proposer has quality experience providing requested services in a capacity similar to the duties outlined within the scope of services.

17. Cost of Request for Proposals and Associated Responses

Proposers will bear sole responsibility for all costs incurred in preparing and providing their proposals in response to this RFP. County is not liable to any proposer for any loss or expense caused by or resulting from the cancellation of a solicitation or rejection of a proposal.

18. County Requests for Clarification, Additional Research, and Revisions

County reserves the right to obtain clarification of any point in a proposal or to obtain additional information necessary to properly evaluate a particular proposal. Failure of a Proposer to respond to such a request for additional information or clarification may result in a finding that the Proposer is non-responsive and consequent rejection of the proposal.

County may obtain information from any legal source for clarification of any proposal or for information of any proposer. County need not inform the proposer of any intent to perform additional research in this respect or of any information thereby received.

County may perform, at its sole option, investigations of the responsible proposer. Information may include, but shall not necessarily be limited to, current litigation and contracting references. All such documents, if requested by County, become part of the

public records, and may be disclosed accordingly. County reserves the right to request clarifications of proposals after the submission of proposals and before award.

19. Rejection of Proposals

County reserves the right to reject any or all proposals received as a result of this RFP if County determines that rejection is in the public interest. Reasons for proposal rejection may include but are not limited to the following:

A. Failure of the proposer to adhere to one or more of the provisions established in the RFP.
B. Failure of the proposer to submit a proposal in the format specified herein.
C. Failure of the proposer to submit a proposal within the time requirements established herein.
D. Failure of the proposer to adhere to ethical and professional standards before, during, or following the proposal process.
E. Failure of proposer to otherwise comply with all prescribed public procurement procedures and requirements.

20. Modification or Withdrawal of Proposal by Proposer

Proposals submitted before the proposal due date may only be modified or withdrawn in person with proper identification, or by issuing a written request on company letterhead, signed by an authorized representative, prior to the proposal due date and time. Written requests for withdrawal must be so worded as not to reveal material contents of the original proposal.

Withdrawn proposals may be resubmitted up to the proposal due date and time, provided they are then fully in conformance with the RFP.

21. Proposal Ownership

All material submitted for any portion of a proposal in response to this RFP, or during any phase of this solicitation, will become the property of County and will not be returned to proposers.

22. Duration of Proposal

Proposal terms and conditions shall be firm for a period of at least 60 days from the proposal due date. The successful proposal shall not be subject to future price escalation or changes of terms if accepted during the 60-day period. Price decreases or changes in terms by others after the acceptance of a proposal will not be considered.

23. Affirmative Action/Nondiscrimination

By submitting a proposal, the proposer agrees to comply with the Fair Labor Standard Act, Civil Rights Act of 1964, Executive order 11246, Fair Employment Practices, Equal Employment Opportunity Act, Americans with Disabilities Act, and Oregon Revised Statutes. By submitting a proposal, the proposer certifies that it has not discriminated and

will not discriminate, in violation of ORS 279A.110, a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business in awarding a subcontract.

24. Tax Compliance

By submitting a proposal, the proposer represents and warrants that the Proposer has complied with the applicable tax laws of this state or a political subdivision of this state, including, but not limited to, ORS 305.620 and ORS chapters 316, 317 and 318. The Proposer and any consultants listed on BOLI's List of Ineligibles will be rejected.

25. Prevailing Wage Requirement

By submitting a proposal, the proposer agrees to be bound by and will comply with the provisions of 279C.838, 279C.840 or 40 U.S.C. 3141 to 3148.

26. Savings and Cost Limitations

Any savings realized in performing the Contract awarded under this RFP will accrue to the County unless the Contract provides otherwise. The County will not pay for any amount that exceeds the not to exceed amount established under the Contract except as otherwise provided in the Contract or Amendment.

27. Selection Committee

A selection committee will be comprised of at least four (4) members. Each proposal shall be evaluated on its completeness and quality in accordance with the criteria identified in this RFP by the selection committee. County has the right to require any clarification or change needed to understand the proposer's approach to the Project.

Each proposal shall be evaluated as a demonstration of the proposer's capabilities and understanding of the Project. Evaluation criteria and weighting factors for the proposal shall be as follows:

Criteria	Maximum Points
Relevant Experience	25
Proposed Personnel	15
Bid/Cost Estimate	20
Approach to Maintaining Budget	10
Addressing Proposal Issues	30
TOTAL	100

Each member of the selection committee will independently score proposals in accordance with the evaluation criteria above. The County will then average the proposal scores per category and sum the category averages for a total score for each proposal.

County reserves the right to:

A. Reject any and all proposals not in compliance with all public procedures and requirements including but not limited to the requirement to demonstrate responsibility under ORS 279C.375(3)(b);
B. Reject any proposal not meeting the specifications set forth herein;
C. Waive any or all irregularities in proposals submitted;
D. Award contracts for any or all parts of the services solicited under this RFP;
E. Request references and other data to determine responsiveness;
F. Conduct/Request interviews with any of the proposers, if the Selection Committee decides this is needed in order to distinguish between proposals.

Following evaluations of the proposers, if the County intends to issue an award, County will provide written notice of its intent to award the contract to the highest-ranked proposer.

28. Protest of Contract Award

A proposer may protest the intent to award a contract in accordance with OAR 137-049-0450, provided:

A. The Proposer is adversely affected because the Proposer would be eligible to be awarded the contract if that the protest is successful; and
B. The reason for the protest is:
    i. All higher-ranked proposals (or, in the event multiple contracts are awarded, a sufficient number of proposals) are non-responsive or failed to meet the requirements of this RFP, or all higher-ranked proposers; or
    ii. County committed a substantial violation of a provision in this RFP or of an applicable procurement statute or administrative rule, and the protesting proposer was unfairly evaluated and would have, but for such substantial violation, been the responsible proposer offering the highest-ranked proposal.
C. The protest is clearly marked as a protest, includes a description of this RFP, and is delivered to the point of contact and address set forth in paragraph 6C.
D. All protests of Award must be in writing and physically received no later than 5:00 PM on the deadline for submitting such protests set forth in paragraph 9.
E. Protests must specify the grounds for the protest including the specific citation of law, rule, regulation, or procedure upon which the protest is based. The judgment used in scoring by individual evaluators is not grounds for protest.
F. Protests not filed within the time specified in paragraph 9, or which fail to cite the specific law, rule, regulation, or procedure upon which the protest is based will be dismissed. An issue that could have been raised by request for clarification or protest of the solicitation documents is not a ground for protest of award.
G. County will resolve all protests in accordance with OAR 137-049-0450.

29. Contract Requirements

County reserves the right to negotiate final terms of a Contract as County determines to be in its best interest.

County will negotiate the Contract once the selection committee has chosen the top-ranked proposer and if BOC subsequently approves the selection. If County cannot come to terms with the top-ranked proposer, County may enter into negotiations with the second-ranked proposer. This process may continue until County reaches an agreement which County deems appropriate for the services.

The award of a contract is accomplished by executing a written Contract that incorporates the proposer's proposal, clarifications, addenda, additions, and insurance. All such materials constitute the contract documents.