

Blue Mountain Translator District

LPTV Station

Sponsor Recruitment & Ad Sales

Request for Proposal

Date of Issue: February 21, 2020

Closing Date and Time: March 13, 2020 at 12:00 PM PST

Single Point of Contact (SPC): Alex McHaddad, Executive Director

Address: PO Box 901

City/S/Z: La Grande, OR 97850

Phone: 541-963-0196

Email: bmtd.org@gmail.com

Blue Mountain Translator District promotes equal opportunity for all individuals without regard to age, color, disability, marital status, national origin, race, religion or creed, sex or gender, sexual orientation, or veteran status.

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General Information

Introduction

Blue Mountain Translator District is issuing this Request for Proposals for a low power television station authorized by the Oregon Legislative Assembly in SB 394 (2019). Operations for this channel will be supported by station donors and underwriters who will receive enhanced recognition in signals broadcast by BMTD and delivered via other methods, including a streaming service and Cable TV channel. The support of donors and underwriters who will be recognized during over the air and Cable TV broadcasts, and the sale of advertisements in a streaming version of the channel, will also defray the costs of maintaining TV translators operated by the District.

The channel will operate in accordance with the Strategic Plan approved by the Board of Directors. Channel operations will be overseen by the LPTV Advisory Committee.

BMTD will award a contract to recruit broadcast sponsors, sell streaming video ads, generate enhanced donor and underwriting recognition media, generate video and graphic advertising media, incorporate enhanced donor and underwriting recognition media into broadcasts, and incorporate advertisements in streaming videos. BMTD will consider awarding contracts to multiple entities who are able to demonstrate a partnership that allows them to jointly perform the services sought in the RFP. The Board will prioritize awarding a contract for broadcast sponsor recruitment and streaming ad sales, and may ultimately approve only one or multiple contracts for sponsor recruitment and ad sales that do not include the incorporation of enhanced recognition media in programming distributed by BMTD. Contracts may also be awarded to entities that can generate revenue in communities outside of northeast Oregon.

Schedule

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change. N/A denotes that event is not applicable to this RFP.

Event	Date	Time
Posting/Distribution of RFP:	February 21, 2020	9:00 AM
Questions / Requests for Clarification Due	February 28, 2020	12:00 PM

Answers to Questions / Requests for Clarification Issued (approx.)	March 6, 2020	
RFP Protest Period Ends	7 calendar days prior to RFP Closing	
Closing (Proposal Due)	March 13, 2020	
Opening of Proposal	March 16, 2020	9:00 AM
Presentations, Demonstrations, or Interviews	March 17, 2020 - March 21, 2020	
Issuance of Notice of Intent to Award (approx.)	March 25, 2020	
Award Protest Period Ends	7 calendar days after Notice of Intent to Award	

Single Point of Contact

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 only to the SPC, whether about the technical requirements of the RFP, contractual requirements, the RFP process, or any other provision.

Authority, Overview, and Scope

Authority and Method

BMTD is issuing this RFP pursuant to its authority under ORS 354.675.

BMTD is using the Competitive Sealed Proposal method, pursuant to ORS 279B.060 and OAR 125-247-0260. BMTD 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.

Definition of Terms

For the purposes of this RFP, capitalized words are defined in OAR 125-246-0110 or as defined below.

- **Advertisements:** Media distributed in TV signals intended to promote the purchase of a good or service. Commercial matter forbidden on noncommercial stations includes:
 - Announcements containing price information. This would include any announcement of interest rate information or other indication of savings or value associated with the product.
 - Announcements containing a call to action.
 - Announcements containing an inducement to buy, sell, rent, or lease.
- **Cable TV:** Delivery of television signals to TV viewers via physical cables run directly between headends and structures.
- **Enhanced Recognition:** The Federal Communications Commission permits noncommercial station to air media that recognizes donors and underwriters who support station operations. Sponsor Recognition media broadcast over the air may include only the following elements:
 - Logograms or slogans which identify but do not promote;
 - Location information;
 - Value-neutral descriptions of a product line or service;
 - Brand and trade names and product or service listings.
- **Low Power Television (LPTV):** TV stations with effective radiated power of less than 15 kW.
- **Noncommercial Station:** Broadcast station that is not funded by the sale of advertisements.
- **Over The Air (OTA):** Distribution of content from broadcast stations that can be received using an antenna.
- **Over The Top (OTT):** Distribution of content online that can be viewed on the web or mobile devices.
- **PEG TV:** Public, educational, and government access TV channels distributed via cable TV.
- **Translator:** Broadcast station that relays signals from one geographic region to another.
- **Translator District:** In Oregon, a special district authorized by ORS Chapter 354 to operate TV relay stations.

Overview and Purpose

District Overview and Background

Blue Mountain Translator District is a local government special district created in 1978 to retransmit TV signals from Portland and Boise in Baker and Union Counties in northeast Oregon.

Project Overview and Background

In 2019, the Oregon Legislative Assembly passed SB 394, which authorizes translator districts to own and operate their own low power television stations. SB 394 also authorizes translator districts to

"Distribute signals for the channels and subchannels via alternative methods."¹ Blue Mountain Translator District is prioritizing the creation of a noncommercial LPTV station serving northeast Oregon with the intent to have a viable version of the channel operating by Q3 2020, either as an operational LPTV station, or a streaming website accessible to residents who pay an annual service charge to maintain BMTD's translators. BMTD will also pursue broadcast of this channel on Cable TV.

SB 394 also authorizes the transmission of "low power television signals originating on district translators." While the channel managed by BMTD will be noncommercial, subchannel space on the OTA channel and additional live feeds on OTT channel may be utilized by commercial stations in exchange for payment to BMTD.

Purpose

As proposed at legislative hearings on SB 394, the primary purpose of the operation of LPTV stations by translator districts is to distribute local news and information, and generate additional revenue to operate TV translators. BMTD intends to promote the creation and distribution of media on the District's local distribution outlets, as well as other public access channels and services throughout the state, region, and country. Finally, BMTD hopes to reinvest in the communities where content is created by sharing revenue generated by broadcasting and syndicating shows.

Scope of Work/Specifications - Sponsor Recruitment

The primary purpose of this RFP is to enlist a partner who is able to recruit donors and underwriters to support operation of a noncommercial TV station, and advertisers to support the operation of OTT distribution of content delivered on an LPTV station. The partner or partners selected by the Board of Directors will recruit financial supporters for BMTD content distribution operations.

For OTA broadcasts, the Partner will recruit donors and underwriters who will receive enhanced recognition following program broadcasts in accordance with Board Policies Regarding LPTV Sponsorship. These Board Policies primarily duplicate the Public Broadcasting Service's "Funding Guidelines and Procedures" with appropriate local amendments. PBS Guidelines adhere to the FCC's regulations regarding the broadcast of enhanced recognition media on noncommercial stations.

The Partner must be able to communicate the following to OTA Broadcast Sponsors:

- BMTD is not selling advertisements for OTA broadcasts. BMTD is offering sponsors and underwriters enhanced recognition during the OTA broadcast of programming.

¹ ORS 354.675.

- OTA donors and underwriters will receive enhanced recognition on broadcasts at the following schedule:
 - Every half hour program includes 60 seconds for enhanced recognition;
 - Every one-hour program includes 60 seconds for enhanced recognition;
 - Every program exceeding 1 hour in length includes 60 seconds for enhanced recognition at the end of every hour, and the concluding hour or half-hour depending on program length.
- Enhanced recognition media included in OTA broadcasts will include the following at a cost schedule proposed by the Partner and confirmed by the BMTD Board. The Partner must be able to attract donors and underwriters who will be satisfied by a variety of enhanced recognition opportunities during the 60-second sponsor recognition segment.
 - Static images incorporating information and additional elements permitted by the FCC. The duration and frequency of image broadcasts will be determined by the cost schedule. Sponsors may share static images with other sponsors or receive exclusive recognition on static images as determined by the cost schedule.
 - Slide Shows incorporating information and additional elements permitted by the FCC. The duration and frequency of slideshow broadcasts will be determined by the cost schedule.
 - Videos incorporating information and additional elements permitted by the FCC. The duration and frequency of video broadcasts will be determined by the cost schedule.
- Donors and underwriters will be supporting the operation of the LPTV station, BMTD's additional operations, and content creators or communities where content is created.
 - A political action committee that provides content will not receive the regular dividend extended to content creators. Instead, the content creator dividend will be provided to a charity of the content creator's choice.
- Content creators and contributors may request that their media is not distributed over the air alongside enhanced recognition for certain donors and underwriters, or online with ads for certain clients.
 - An elected official may request that their programming not be aired alongside sponsor recognition media that differs with their platform or ideology.
 - A business may request that a program they sponsor not be aired alongside media that recognizes sponsorship of LPTV operations by a competitor.
 - A local government agency may request that footage of a public meeting of a public body not be aired alongside the

recognition of sponsors with an interest in business conducted during that meeting.

- BMTD will not accept donations or underwriting from political action committees supporting a candidate or ballot measure.

The Partner must be able to communicate the following to OTT advertising clients:

- Video content distributed on BMTD's OTT service can include commercial matter that would not be permissible on OTA broadcasts. The Partner must be able to solicit clients who will purchase a variety of commercial matter including:
 - Corner Watermarks. Corner watermarks will be confined to a small image displayed in the corner of the archived video that may include a logo and limited contact information such as the client's website or phone number. The duration and frequency during which corner watermark ads are displayed on screen during the program will be determined by the cost schedule.
 - Lower $\frac{1}{3}$ screen advertisements. The duration and frequency during which lower $\frac{1}{3}$ screen advertisements are displayed onscreen will be determined by the cost schedule.
 - Static images. The duration and frequency for which images are broadcast will be determined by the cost schedule. Clients may share static images with other clients, or receive exclusive presence on static images as determined by the cost schedule.
 - Slide Shows. The duration and frequency during which slideshows are streamed will be determined by the cost schedule.
 - Videos. The duration and frequency during which videos are streamed will be determined by the cost schedule.
- Advertising clients will be supporting the operation of the OTT stream, BMTD's additional operations, and content creators or communities where content is created.
 - A political action committee that produces content distributed by BMTD will not receive the regular dividend extended to content creators. Instead, the content creator dividend will be provided to a charity of the content creator's choice.
- Content creators and contributors may request that their media is not distributed online alongside advertisements for certain clients.
 - An elected official may request that their programming not be aired alongside advertisements for products, services, and initiatives that differ with their platform or ideology.
 - A business may request that a program they sponsor not be streamed with advertisements for a competing business.

- A local government agency may request that footage of the public meeting of a public body not be streamed alongside advertisements for firms with an interest in business conducted during that meeting.
- BMTD will not sell OTT advertising opportunities to political action committees supporting a candidate or ballot measure.

The Partner will help BMTD develop OTA sponsor recognition and OTT advertising packages.

For OTA broadcasting, the Partner will help determine the duration and frequency during which enhanced sponsor recognition appears, including the following:

- The duration of a sponsorship package, including one-time sponsorships, and lengthier agreements lasting one month, three months, six months, or one year.
- The type of recognition media that a sponsor prefers, including whether multiple formats are desired.
- The frequency for airing enhanced recognition media during the term of a sponsorship package.
- The genre of programming that will precede the airing of enhanced recognition media.

For OTT streaming, the Partner will help determine the duration and frequency during which enhanced sponsor recognition appears, including the following:

- The duration of a sponsorship package, including one-time sponsorships, and lengthier agreements lasting one month, three months, six months, or one year.
- The type of recognition media that a sponsor prefers, including whether multiple formats are desired.
- The frequency for airing enhanced recognition media during the term of a sponsorship package.
- The genre of programming that will precede the airing of enhanced recognition media.

Example Sponsorship Package:

Fanny Sponsorship Package - 12 Months	Beaver Sponsorship Package - 12 Months	Harris Sponsorship Package:
<ul style="list-style-type: none"> ● \$10,000.00 ● Twice-daily 30-second video sponsor recognition during weekdays ● Logo on all "sponsor list" 	<ul style="list-style-type: none"> ● \$5,000.00 ● Daily 30-second video sponsor recognition during weekdays ● Logo on all "sponsor list" graphics 	<ul style="list-style-type: none"> ● \$3,000.00 ● 30-second video sponsor recognition airs 3 times per week. ● Logo on all "sponsor list"

<p>graphics</p> <ul style="list-style-type: none"> • 10-second static image aired ten times daily during weekdays • 12-month OTT subscription for display at business • 30-second video ad every archived program • Lower ⅓ ad 30 seconds every archived program 	<ul style="list-style-type: none"> • 10-second static image aired five times daily during weekdays • 12-month OTT subscription for display at business • 10-second video ad every archived program • Lower ⅓ ad 30 seconds every archived program 	<p>graphics</p> <ul style="list-style-type: none"> • 10-second static image aired 3 times daily • 12-month OTT subscription for display at business • 10-second video ad every episode of 5 selected archived programs. • Lower ⅓ ad every episode of 5 selected archived programs.
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Lastly, the Partner will handle all payments for sponsorship revenue, distributing contractual proceeds to BMTD and content creators.

Firms that intend to bid on this RFP or are interested in bidding on this RFP may first notify the SPC via email and request a list of programs that BMTD is currently curating for broadcast. The programming list will only be distributed to firms that appear to meet the qualifications for the RFP. Otherwise, the programming list may only be obtained through the submission of a public records request. An entity that circulates the programming list to entities other than its own employees and officers, or potential joint bidding partners, for any other purpose than to complete a bid proposal, will be automatically rejected from bidding on the RFP on its own or with other joint partners.

Scope of Work/Specifications - Media Production

BMTD will consider proposals for sponsor recruitment and ad sales that include the ability to edit video so that enhanced sponsor recognition media appears during OTA broadcasts, and advertisements appear during OTT streams. A Partner that specializes in sponsor recruitment may also be needed to edit videos distributed by BMTD to incorporate enhanced sponsor recognition media in OTA broadcasts and commercial matter in OTT streams. Video production and graphic design may also be an additional source of revenue for sponsors that need to create media for enhanced recognition in OTA broadcasts, and advertising in OTT streams.

For video production, a firm that specializes in ad sales that already employs personnel necessary for video production and graphic design may include this capability in their bid. An entity that specializes in sponsor recruitment and ad sales may jointly present a bid with a media production entity that allows their partnership to recruit sponsors and edit media for use by BMTD. BMTD will not accept a bid on this contract that solely offers media production services but will accept a bid that only offers sponsor recruitment services. The District will consider a bid for an entity that will specialize in revenue generation for a specific geographic region.

Procurement Requirements

Minimum Qualifications

The primary goal of this RFP is to contract with an entity capable of recruiting sponsors for OTA broadcasts and advertising clients for OTT streams. To be considered for evaluation as a Sponsor Recruitment partner, the Proposal must demonstrate how Proposer meets all requirements of this section:

- Proposer must be appropriately licensed to conduct business in the state of Oregon.
- Proposer must be bonded.
- Proposer must demonstrate a history of selling ads, preferably for broadcast. A demonstrated history of selling ads for distribution in other media, such as newspapers and movie theatres, will also be accepted. Proposer must include the number of years their entity has engaged in ad sales, as well as the number of years their current ad sales employees and contractors have engaged in ad sales.
- Proposers who have a history of managing advertising for a broadcast station or video medium must demonstrate the ability to assist in scheduling of advertisements, including format, duration, and repetition. Proposer must also have a history of building advertising packages that included the duration and frequency that advertisements aired or were displayed.
- Proposer must have an existing database of clients who can be contacted about receiving recognition for sponsoring OTA TV, and running ads on OTT TV. Proposal must demonstrate a pedigree soliciting ads in order of precedence from the following regions:
 - a. Union and Baker Counties
 - b. Northeast Oregon
 - c. Treasure Valley, Idaho and southeast Washington
 - d. Oregon
 - e. Washington and Idaho
 - f. US

- Proposers with existing libraries of video, audio, or graphic ads must provide examples, either in the proposal or during the Evaluation Conference.
- Proposer must employ the personnel necessary to recruit sponsors for OTA broadcasts and sell ads for OTT streams.
- Proposer must include testimonials and references from customers for whom they have sold ads.
- Proposer may include awards and recognitions for ad sales work.
- Proposer must include D&B rating.

BMTD will consider proposals that include media production services either by a Sponsor Recruitment partner or an additional entity jointly bidding with a Sponsor Recruitment partner on this RFP. To be considered for evaluation as a Media Production partner, the Proposal must demonstrate how Proposer meets all requirements of this section:

- Proposer must be appropriately licensed to conduct business in the state of Oregon.
- Proposer must be bonded.
- Proposer must include any certifications for media production, including equipment use and handling, and software operations. Proposers who do not hold certifications will not be rejected, but must clarify that they do not hold certifications in their proposal.
- Proposer must demonstrate a history of media production, preferably in descending order for video, graphic design, and audio. Proposer must include the number of years their entity has been in operation, the number of years that the entity has offered media production services, and the number of years their current media production employees and contractors have engaged in media production.
- Proposers with existing libraries of video, audio, or graphic media must provide examples, either in the proposal or during the Evaluation Conference. Advertising media specifically is appreciated.
- Proposer must employ the personnel necessary to produce enhanced recognition media for OTA broadcasts, and ads for OTT streams.
- Proposer must include testimonials and references from customers for whom they have produced media. Testimonials and references specifically regarding advertising media are appreciated.
- Proposer may include awards and recognitions for media production.
- Proposer must include D&B rating.

Minimum Submission Requirements

Proposal Submissions

To be considered for evaluation, Proposal must contain each of the following elements (further detailed in Proposal Requirements section below):

- Executive Summary
- Administrative Proposal
- Technical Proposal
- Disclosure Exemption Affidavit (Attachment B) - submit 1 copy only
- Proposer Information and Certification Sheet (Attachment C)
- Reference Check Form (Attachment D)
- Price Proposal Form (Attachment E)
- COBID Certification / Outreach Plan (Attachment F) - submit 1 copy only
- Responsibility Inquiry (Attachment G) - submit 1 copy only
- Key Persons and Resumes
- Work Samples

Proposal Page Limits

Proposal is limited to 30 pages. Any pages exceeding this limit will not be provided to the evaluation committee or considered in the evaluation. The following items do not count toward the page limit:

- Disclosure Exemption Affidavit (Attachment B)
- Proposer Information and Certification Sheet (Attachment C)
- Reference Check forms
- Price Proposal
- COBID Certification / Outreach Plan (Attachment F)
- Responsibility Inquiry (Attachment G)
- Work samples

Proposal Format and Quantity

Proposal should follow the format and reference the sections listed in the Proposal Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed. Price information must be submitted as a separate electronic file/sealed envelope.

OPTION 1 - hard copies only

Proposer shall submit its Proposal and all other submittal requirements using only white 8 ½" x 11" Recycled Paper, minimum 12 point font. Proposer shall submit a copy of its Proposal and all other submittal requirements, with Attachment C - Proposer Information and Certification Sheet bearing the Proposer's authorized representative's Signature, and XX additional copies. If Proposer

believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall complete and submit the Disclosure Exemption Affidavit (Attachment B) and Proposer also shall submit a fully redacted 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.

OPTION 2 - electronic copy only

Proposer shall submit one copy of its Proposal and all other submittal requirements, with Attachment C - Proposer Information and Certification Sheet bearing the Proposer's authorized representative's Signature, on USB drive, DVD, or CD in one of the following formats: Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx). The total combined file size of all documents should be compressed so it does not exceed 10 megabytes. If Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall submit a fully redacted version of its Proposal, clearly identified as the redacted version.

OPTION 3 - combination

Proposer shall submit both a hard copy on white 8 ½" x 11" Recycled Paper and an electronic copy on electronic media such as USB drive, DVD, or CD. The total combined size of the Proposal and Cover Sheet should be compressed so it does not exceed 10 megabytes.

The Proposer Information and Certification Sheet (Attachment C) must bear the Proposer's authorized representative's Signature. If Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall submit a fully redacted 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 on USB drive, DVD, or CD must be formatted using Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx).

Authorized Representative

Failure of the authorized representative to sign the Proposal may subject the Proposal to rejection by BMTD.

Proposal 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 Goods to be provided or the Services to be performed or both. A Proposal that merely offers to provide the goods or services as stated in this RFP may be considered non-Responsive to this RFP and will not be considered further.

Proposal should not include extensive artwork, unusual printing or other materials not essential to the utility and clarity of the Proposal. Include only marketing or advertising material in the Proposal as requested in the Minimum Requirements section. Proposal should be straightforward and address the requests of the RFP. Proposal containing unsolicited marketing or advertising material may receive a lower evaluation score if specific information is difficult to locate.

Proposer Information and Certification Sheet

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

Failure to demonstrate compliance with Oregon Tax Laws and sign the Proposer Information and Certification Sheet may result in a finding of non-Responsibility.

References

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

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

OPTION 1 - Reference sends completed reference form to SPC

Proposer shall send the Reference Check Form (Attachment D) to its references. Reference forms must be completed by the reference, and sent to the SPC. Reference forms must be received prior to Closing. Reference forms not received before Closing will not be scored.

Price Proposal

- For each activity described in the Scope of Work, the Price Proposal must include identifiable costs indicated both as a desired commission from OTA sponsor recruitment, OTT ad sales, and media production, along with the dollar amount necessary to make this venture financially viable for the Proposer(s). Include time estimates for completing each activity, and a summary of all proposed costs.

- The Price Proposal must include separate line items for personnel, travel, supplies, other costs, and administrative and overhead charges.
- For all fully loaded personnel costs, the Price Proposal must include the name and title of all positions for each individual staff person who will perform the Work, and list the salary/wage and fringe rate separately for each such individual.

Key Persons and their Resumes

Specify key persons to be assigned to this project, and include a current resume (not to exceed two pages each) for each individual that demonstrates qualifications and experience for the Work described.

Project Implementation Plan

Briefly describe how Proposer would carry out the major activities of this project in context with 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.

Solicitation Process

Public Notice

The RFP and attachments are published on BMTD's website; announced in local newspapers serving northeast Oregon, southeast Washington, and Idaho's Treasure Valley region; and provided to potential partners solicited by BMTD due to their geographic proximity to the District. RFP documents will not be mailed to prospective Proposers.

Modifications, if any, to this RFP will be made by written Addenda published in the document on BMTD's website, with notifications provided to prospective proposers by email only. Prospective Proposer is solely responsible for checking BMTD's website and email inbox to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

Pre-Proposal Conference

A Pre-Proposal conference will not be held for this RFP.

Questions/Requests for Clarifications

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;

- Reference the RFP number;
- Identify Proposer's name and contact information;
- 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.

Solicitation Protests

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 Sample Contract/Price Agreement. This is prospective Proposer's only opportunity to protest the provisions of the RFP, except that Proposer may protest Addenda as provided below.

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 5 p.m. Pacific Time of the second Business Day or 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.

All Protests Must:

- Be delivered to the SPC via email;
- 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; and
- Protests to Addenda must be received by the due date identified in the respective Addendum.

Proposal Delivery Options

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before

Closing. BMTD is not responsible for any delays in mail or by common carriers or by transmission errors or delays, or for any mis-delivery for any reason. A Proposal submitted by any means not authorized below will be rejected. The following delivery options are permitted for this RFP:

OPTION 1 - Mail or Parcel delivery.

A 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.

OPTION 2 - In-person delivery

A Proposal may be hand delivered, and must be clearly labeled and submitted in a sealed envelope, package or box. A Proposal will be accepted, prior to Closing, during BMTD's normal Monday - Friday business hours of 8:00 a.m. to 12 p.m. Pacific Time, except during State of Oregon holidays and other times when BMTD 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.

OPTION 3 - Any combination of the above delivery methods

Proposal Modification or Withdrawal

If a Proposer wishes to make modifications to a submitted Proposal it must submit its modification in one of the authorized methods listed in the Proposal Delivery Options section. To be effective the notice must include the RFP number and be submitted to the SPC prior to Closing.

If a Proposer wishes to withdraw a submitted Proposal, it must submit a Written notice signed by an authorized representative of its intent to withdraw to the SPC via email, fax, hard copy prior to closing in accordance with OAR 125-247-0440. To be effective the notice must include the RFP number.

Proposal Due

A Proposal (including all required submittal items) must be received by the SPC on or before Closing. All Proposal modifications or withdrawals must be received prior to Closing.

A Proposal received after Closing is considered LATE and will NOT be accepted for evaluation. A late Proposal will be returned to the Proposer or destroyed.

Public Opening

A public Opening will be held on the date and time listed in the Schedule and at the location stated on the Cover Page. Only the name of the Proposer will be read at the Opening, no other information will be made available at that time. 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.

Proposal Rejection

BMTD 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.
- Proposer has liquidated and delinquent debt owed to the State or any department or agency of the State.
- Proposer fails to meet the responsibility requirements of ORS 279B.110.
- Proposer makes any contact regarding this RFP with District representatives such as District contactors or officials other than the SPC or those the Board of Directors authorizes, or inappropriate contact with the SPC.
- Proposer attempts to influence a member of the Evaluation Panel.
- Proposal is conditioned on BMTD'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.
- A firm that circulates a list of programming being procured by BMTD to entities other than its own employees and officers, or potential joint partners to bid on the RFP, will be automatically rejected from bidding on the RFP on its own or with other joint partners.

Evaluation Process

Responsiveness and Responsibility Determination

A Proposal received prior to Closing will be reviewed to determine if it is Responsive to all RFP requirements including compliance with Minimum Qualifications section and Minimum Submission 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, the Board of Directors may waive mistakes in accordance with OAR 125-247-0470.

Responsiveness Determination

BMTD will determine if an apparent successful Proposer is Responsible prior to award and execution of the Contract/Price Agreement. Selected Proposer(s) shall submit a signed Responsibility Inquiry form (Attachment G) within 5 Business Days of receipt of Intent to Award notice.

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

Responsibility Determination

BMTD will determine if an apparent successful Proposer is Responsible prior to award and execution of the Contract/Price Agreement. Selected Proposer(s) shall submit a signed Responsibility Inquiry form (Attachment G) within 5 Business Days of receipt of Intent to Award notice.

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

Evaluation Criteria - Sponsor Recruitment

SCORE	EXPLANATION
10	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
6 - 9	VERY GOOD - Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
5	ADEQUATE - Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
1 - 4	FAIR - Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.

0	RESPONSE OF NO VALUE - An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.
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Evaluation Criteria - Media Production

SCORE	EXPLANATION
10	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
6 - 9	VERY GOOD - Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
5	ADEQUATE - Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
1 - 4	FAIR - Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0	RESPONSE OF NO VALUE - An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

Each Proposal meeting all Responsiveness requirements will be independently evaluated by members of the selection panel. The selection panel shall include two members of the Board assisted by the Executive Director. Evaluators will assign a score for each evaluation criterion listed below in this section up to the maximum points available in the Point and Score Calculation section.

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposal. 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.

Price Evaluation

BMTD includes a minimum 30% weight on price evaluation. Per ORS 279B.060 (3) (e) and (9) (a), in solicitations advertised on or after 1/1/2019, and before 1/2/2020, the proposed contract price must be weighted at not less than 30% of the total weight given to all factors in the final evaluation of a proposal (unless the board of directors approves a waiver as provided under ORS 279B.060(9) (b)). For additional information regarding these requirements visit <https://www.oregon.gov/das/procurement/pages/sb1565.aspx>]

Subjective Evaluation on Price

BMTD will weigh Proposals based on the percent of Return on Investment generated by a Proposer's plan. The cost of creating an OTT Channel is estimated at approximately \$20,000.00. Proposers must indicate their ability to generate revenue solely for BMTD as a percentage of this ROI, excluding revenue that will be received by the Proposer and a TV content creator.

A Proposal may incorporate distribution of an existing content stream, such as a radio station, on BMTD's OTA and OTT platforms as part of a reduced price or commission for other services provided through this RFP. A Proposer must indicate their ability to contribute to the costs of distributing an additional content stream for OTA broadcast and OTT streaming, and the annual fee they would pay to BMTD for signal distribution.

Preferences

Oregon Supplies and Services

BMTD prefers Oregon goods and services, and for evaluation purposes, per ORS 279A.128, BMTD shall subtract 10% from the price for any Proposer proposing all Goods fabricated or processed or all Services performed entirely in Oregon before calculating the price score.

Reciprocal Preferences

For evaluation purposes per OAR 125-246-0310, BMTD 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 Proposer in the Proposer's state.

Recycled Materials

In comparing Goods from two or more Proposers, if at least one Proposer offers Goods manufactured with Recycled Materials, and at least one Proposer does not, BMTD 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.

Tiebreakers

Oregon Supplies: If BMTD receives Proposals identical in price, fitness, availability and quality and chooses to award a Contract/Price Agreement, BMTD shall award the Contract/Price Agreement in accordance with the procedures outlined in OAR 125-246-0300.

Point and Score Calculations

TOTAL POINTS POSSIBLE :		50
Sponsor Recruitment POINTS POSSIBLE		30
1	Existing ad sales capabilities	10
2	Years of operations selling ads for broadcast	8
3	Number of clients available for OTA sponsorsips and OTT ads	8
4	Geographic reach of existing clientele	4
SECTION TOTAL		X/30
Media Production POINTS POSSIBLE (if applicable)		20
1	Existing media production capability	10
2	Years of operation of media production	5
3	Ability to produce advertisements in a variety of formats	5
SECTION TOTAL		X/20
PROPOSAL TOTAL		X/50

The SPC will average all scores for each evaluation criterion. The average score will be used as a percentage multiplier of the maximum possible points for that criterion. 5=10%, 10=20%, 50=100%,

etc. Price points are calculated as stated in the Price Evaluation section.

Ranking of Proposers

The SPC will average the scores for each Proposal in a given round of competition (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members).

BMTD will rank all Proposers at the conclusion of the evaluation and scoring and may, in BMTD's sole discretion, determine an apparent successful Proposer with no additional rounds of competition. If additional rounds are conducted, BMTD will rank advancing Proposers at the conclusion of each subsequent round and may determine an apparent successful Proposer at any time during the solicitation process.

The SPC will combine the average score for each Proposal with Proposer's price score and reference score. After any applicable preference has been applied, SPC will describe the rank order for each Proposer, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

Next Step Determination

At the conclusion of a round of competition, BMTD may choose to conduct additional round(s) of competition if in the best interest of the District. Additional rounds of competition may consist of, but will not be limited to:

- Interviews
- Presentations/Demonstrations/Additional Submittal Items
- Discussions and submittal of revised Proposals
- Serial or simultaneous negotiations
- Best and Final Offers

Competitive Range Determination

If BMTD, in its sole discretion, determines that one or more additional rounds of competition is necessary, it will select a Competitive Range to indicate the Proposers that will be invited to participate in a subsequent round. The Competitive Range may include all, or at BMTD's sole discretion, some (based primarily on a natural break in the distribution of scores), of the Proposers from a previous round. BMTD will post a notice at www.bmtd.org of its Competitive Range Determination and provide details about the process and schedule for the subsequent round.

Competitive Range Protest

Proposers excluded from a round may submit a Written protest of Competitive Range. Protests must:

- Be emailed to the SPC;

- Reference the RFP number;
- Identify Proposer's name and contact information;
- Be sent by an authorized representative
- State the reason for the protest; and
- Be received within 7 calendar days after issuance of the Notice of the Competitive Range unless a different due date and time is specified in such notice.

BMTD will address all 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 BMTD.

Award and Negotiation

Award Notification Process

Award Consideration

BMTD, if it awards a Contract/Price Agreement, shall award a Contract/Price Agreement to the highest ranking Responsible Proposer(s) based upon the scoring methodology and process described in Section 4. BMTD may award less than the full Scope defined in this RFP.

Intent to Award Notice

BMTD will notify all Proposers in Writing that BMTD intends to award a Contract/Price Agreement to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

Intent to Award Protest

Protest Submission

An Affected Proposer shall have 7 calendar days from the date of the Intent to Award notice to file a Written protest.

A Proposer is an Affected Proposer only if the Proposer would be eligible for Contract/Price Agreement 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.
- BMTD has failed to conduct an evaluation of Proposals in accordance with the criteria or process described in the RFP.
- BMTD abused its discretion in rejecting the protestor's Proposal as non-Responsive.
- BMTD's evaluation of Proposal or determination of award otherwise violates ORS Chapter 279B or ORS Chapter 279A.

- If BMTD receives only one Proposal, BMTD may dispense with the evaluation process and Intent to Award protest period and proceed with Contract/Price Agreement Negotiations and award.

Protests Must

- Be delivered to the SPC via email
- Reference the RFP number
- Identify 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

Response to Protest

BMTD 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 BMTD.

Apparent Successful Proposer Submission Requirements

Proposer(s) who are selected for a Contract/Price Agreement award under this RFP will be required to submit additional information and comply with the following:

Insurance

Prior to award, Proposer shall secure and demonstrate to BMTD proof of insurance as required in this RFP or as negotiated. Insurance Requirements are found in Exhibit B of Attachment A.

Taxpayer Identification Number

Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form when requested by BMTD or when the backup withholding status or any other relevant information of Proposer has changed since the last submitted W-9 form, if any.

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/Price Agreement. Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

Responsibility Inquiry

Prior to award, Proposer shall be required to complete and submit Attachment G – Responsibility Inquiry.

Pay Equity Certification

If selected for award and the Contract/Price Agreement value exceeds \$500,000 and Proposer employs 50 or more full-time workers, Proposer shall submit to BMTD a true and correct copy of an unexpired Pay Equity Compliance Certificate, issued to the Proposer by the Oregon Department of Administrative Services. For instructions on how to obtain the Certificate, visit

www.oregon.gov/das/Procurement/Documents/SB491PayEquity.pdf.

ORS 279B.110(2)(f) requires that Proposer provide this prior to execution of the Contract/Price Agreement.

Nondiscrimination in Employment

As a condition of receiving the award of a Contract/Price Agreement under this RFP, Proposer must certify by their Signature on Attachment C - Proposer Information and Certification Sheet, in accordance with ORS 279A.112, that it has in place a policy and practice of preventing sexual harassment, sexual assault, and discrimination against employees who are members of a protected class. The policy and practice must include giving employees a written notice of a policy that both prohibits, and prescribes disciplinary measures for, conduct that constitutes sexual harassment, sexual assault, or unlawful discrimination.

Pay Equity Compliance

As required by [ORS 279B.235 or ORS 279C.520], Contractor shall comply with ORS 652.220 and shall not discriminate against any of Contractor's employees in the payment of wages or other compensation for work of comparable character, the performance of which requires comparable skills, or pay any employee at a rate less than another for comparable work, based on an employee's membership in a protected class.

Commencing on January 1, 2019, Contractor must comply with ORS 652.220 as amended and shall not unlawfully discriminate against any of Contractor's employees in the payment of wages or other compensation for work of comparable character on the basis of an employee's membership in a protected class. "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age. Contractor's compliance with this section constitutes a material element of this Contract/Price Agreement and a failure to comply constitutes a breach that entitles BMTD to terminate this Contract/Price Agreement for cause.

Contractor may not prohibit any of Contractor's employees from discussing the employee's rate of wage, salary, benefits, or other compensation with another employee or another person. Contractor may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits, or other compensation with another employee or another person.

Contract Price Agreement Negotiation

Negotiation

After selection of a successful Proposer, BMTD may enter into Contract/Price Agreement negotiations with the successful Proposer. By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of the Sample Contract/Price Agreement (Attachment A), with the exception of those terms listed below for negotiation.

Proposer shall review the attached Sample Contract/Price Agreement and note exceptions.

Proposer must submit those exceptions to BMTD during the Questions / Requests for Clarification period set forth in Section 1.2. Unless BMTD agrees to modify any of the terms and conditions, BMTD intends to enter into a Contract/Price Agreement with the successful Proposer substantially in the form set forth in Sample Contract/Price Agreement (Attachment A).

It may be possible to negotiate some provisions of the final Contract/Price Agreement; however, BMTD is not required to make any changes and 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. Therefore, BMTD will consider the Scope of requested exceptions in the evaluation of Proposal.

Any subsequent negotiated changes are subject to prior approval of the Board of Directors.

BMTD is willing to negotiate all items, except those listed below:

- Choice of law
- Choice of venue
- Constitutional requirements
- Requirements of applicable federal and State law

In the event that the parties have not reached mutually agreeable terms within 10 calendar days, BMTD may terminate Negotiations and commence Negotiations with the next highest ranking Proposer.

Contractor Selection Methodology

In the event multiple Contract/Price Agreements are awarded, BMTD will use the following methodology to determine from which Contractor to purchase.

- Issue all purchases to the highest ranked Contractor.
- Determine a list of the most commonly purchased items, price compare this list between all awarded Contractors. Issue all purchases to the Contractor with the most favorable Offer. A new comparison will be conducted at least once per year.
- Compare each item between all awarded Contractors, issue Purchase Order to the Contractor with the most favorable Offer.

Additional Information

Certified Participation

Pursuant to Oregon Revised Statute (ORS) Chapter 200, BMTD encourages the participation of small businesses, certified by the Oregon Certification Office for Business Inclusion and Diversity ("COBID") in all contracting opportunities. This includes certified small businesses in the following categories: disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business. BMTD also encourages joint ventures or subcontracting with certified small business enterprises. For more information, visit: <https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>

If the Contract/Price Agreement has potential subcontracting opportunities, the successful Proposer may be required to submit a completed Certified Disadvantaged Business Outreach Plan (Attachment F) prior to execution.

Governing Laws and Regulation

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 Baker 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. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

OWNERSHIP/PERMISSION TO USE MATERIALS

All Proposals are public record and are subject to public inspection after BMTD issues the Notice of the Intent to Award.

Application of the Oregon Public Records Law will determine whether any information is actually exempt from disclosure.

All Proposals submitted in response to this RFP become the Property of BMTD. 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 a Contract/Price Agreement, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Proposals, including supporting materials, will not be returned to Proposer unless the Proposal is submitted late.

Cancellation of RFP; Rejection of Proposal; No Damages.

Pursuant to ORS 279B.100, BMTD 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 District, as determined by the Board. Neither the State nor BMTD 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.

Cost of Submitting 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.

Statewide E-Waste/Recovery Procedure

If applicable, Proposer shall include information in its Proposal that demonstrates compliance with the Statewide E-Waste/Recovery Procedure #107-011-050_PR. Visit the DAS website www.oregon.gov/das and use the search bar feature to locate the procedure.

Recyclable 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/Price Agreement. (ORS 279B.025)

Printing, Binding, and Stationary Work

Except as provided in ORS 282.210(2), all printing, binding and stationery work, including the manufacture of motor vehicle

registration plates and plates required to be affixed to motor carriers, for the State or any county, city, town, port district, school district, or other political subdivision, must be performed within the State.

Checklist Disclaimer

Any checklists that may be contained in this RFP are provided only as a courtesy to prospective Proposer. BMTD 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. BMTD not 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.