1. **What is a retainer contract?**

The Oregon University System (OUS) awards uniform “Retainer Contracts” to firms seeking to provide certain services to its member Institutions. The Retainer Contract generally functions as a pre-qualification list, and multiple Retainer Contracts are awarded to firms to provide services in two broad service categories.

The first Retainer Contract is for “Professional Consulting Services” (generally architects and engineers) and the second is for “Construction-Related Services” (the trades traditionally associated with construction projects, but including asbestos, lead, mold and silica abatement).

When an Institution has a project requiring work in either of these two service categories they may contact a Retainer Contractor to perform work on that project.

2. **What is the retainer program?**

The term “Retainer Program” is used to refer to the Professional Consulting and Construction-Related services Retainer Contracts collectively. Each set of Retainer Contracts is maintained in a Retainer Program Database accessible by the Institutions and OUS. The Retainer Program Database is not accessible by the Retainer Contractors or the public.

3. **How can my firm join the Retainer Program?**

Firms (or sole proprietors) may join the Retainer Program by responding to a Request for Proposal (RFP) posted by the OUS. The OUS only accepts proposals online through a Retainer Program website. After the OUS receives a proposal, OUS personnel will evaluate the proposal to determine whether the firm meets the minimum criteria set forth in the RFP. If the firm does meet the minimum criteria it will be awarded a Retainer Contract.

The RFP for the Professional Consulting and Construction-Related Services Retainer Contracts are distinct and administered separately. Therefore, a firm may submit a proposal to join one or both of the Retainer Contracts.

4. **Can I join both the Construction-Related Service and Professional Consulting Retainer Contract?**

Firms that meet the minimum criteria for both the Professional Consulting and the Construction-Related Services Retainer Contracts may be awarded a Retainer Contract to perform. Firms wishing to join both Retainer Contracts must apply to both, as a proposal submitted for one will not be considered in evaluating the other.

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1 Eastern Oregon University (La Grande); Oregon Institute of Technology (Klamath Falls and Wilsonville); Oregon State University (Corvallis and Bend); Oregon State University – Cascades Campus (Bend); Portland State University (Portland); Southern Oregon University (Ashland); University of Oregon (Eugene); and Western Oregon University (Monmouth); and Portland Community College (Participating Agency in Portland).
5. Are the terms of either Retainer Contract negotiable?

The terms of the Retainer Contract are not negotiable (except for price and the scope of work). Retainer Contracts returned to the OUS with alterations to the general terms will be rejected. Firms interested in entering a Retainer Contract with the OUS should read the terms of the applicable Retainer Contract included in the RFP prior to submitting a proposal.

6. What is a Supplement?

A “Supplement” is a supplementary agreement to the Retainer Contract entered between an Institution and the Retainer Contractor. In addition to including certain general terms, Supplements set forth the scope of work and price terms.

7. Who issues Supplements?

The Institutions that comprise the OUS issue Supplements. In limited cases the OUS may issue a Supplement, but nearly all are issued by the Institutions.

8. How do I get a Supplement once my firm is awarded a Retainer Contract?

Supplements are awarded according to the rules set forth in OAR Chapter 580, Division 61 and 63. For projects valued under certain dollar amounts each Institution has the authority to directly negotiate with Retainer Contractors for their services. Therefore, it is important for Retainer Contractors to market their services directly to the Institutions.

Retainer Contractors should continue to check the following website for information on work: https://secure.ous.edu/bid/.

9. Is each Retainer Contractor guaranteed to receive a Supplement (work) through the Retainer Program?

Retainer Contractors are not guaranteed to receive a Supplement (work). Supplements are awarded to Retainer Contractors through processes described in Oregon Administrative Rules Chapter 580, Division 61 and 63. However, some Retainer Contractors may receive multiple Supplements.

10. What size of projects may be awarded through the Retainer Program?

The value of work performed pursuant to any Supplement may not exceed $1,000,000. Projects valued at greater than $1,000,000 are awarded through a different process (and will be posted here: https://secure.ous.edu/bid/).

11. What are the insurance requirements?

After being awarded a Supplement, Retainer Contractors are required to provide Institutions with proof of insurance before commencing any work.

For Supplements issued pursuant to the Construction-Related Services Retainer the required insurance amounts are set forth in Section G of the Retainer General Conditions (unless modified at the OUS’s discretion through Supplemental General Conditions).
12. What are the bonding requirements?

For all Construction-Related Services Supplements valued at $100,000 or more Institutions may require proof of a separate performance and payment bond in the amount of the value of the project. For example, for a project valued at $750,000 Retainer Contractors should be prepared to provide the Institution with a proof of a performance and payment bond in the amount of $750,000.

13. What is a participating agency? And which agencies are currently participating?

Participating Agencies are other units of Oregon state or local government which may utilize the Retainer Program to contract for the services of Retainer Contractors IF they have signed an agreement with the OUS.

Currently, Portland Community College (PCC) has entered such an agreement with the OUS and may contact Retainer Contractors to request services according to PCC’s procurement rules.

14. What does MWESB mean? And what does it have to do with the Retainer Program?

MWESB is a shorthand term used to refer to the following businesses collectively: Minority Business Enterprises (MBE), Women Business Enterprises (WBE), and Emerging Small Business Enterprises (ESB). The Oregon State Board of Higher Education has developed policies regarding contracting with MWESB firms. The policy is available here: http://www.ous.edu/sites/default/files/dept/capcon/files/MWESB-Policy.pdf. The OUS encourages Retainer Contractors to become certified with the State, when possible.

15. How can my firm become certified with the State of Oregon as a MWESB?

The State of Oregon has established a process allowing firms to register as a MWESB firm and receive a certification number. More information about the program is available at this website: http://www.oregon4biz.com/Grow-Your-Business/Business-services/Minority-Owned-Business-Certification/. Many firms qualify under more than one certification category.