

## FFY 2017 SBDC RFP Appendix IV: Additional Terms and Conditions

### 1. Additional Terms and Conditions:

Any and all information developed by the applicants during the course of the project will become the property of the SBDC Program and will be provided to ODSA upon request. The applicant shall not assert any claims arising under copyright or otherwise inconsistent with the transfer of ownership of such documents or information. All information submitted in response to the RFP shall be public record unless a statutory exception exists that would protect the information from release to the public.

Any information submitted in or with the proposal which the Applicant reasonably believes to be a **trade secret, as that term is defined in Section 1333.61 of the Ohio Revised Code**, may be designated as such by marking the information as follows: the phrase “trade secret,” marked with two asterisks on each side, must be placed at the beginning and end of the trade secret information (for example: **\*\*TRADE SECRET\*\***). In addition, this trade secret information shall be underlined. Information determined to be a trade secret under the laws of the State of Ohio may be protected as trade secrets by ODSA in accordance with Ohio law.

All costs incurred in preparation of a proposal shall be borne by the applicant. Proposal preparation costs are not recoverable under an award. The State shall not contribute in any way to recovering the costs of proposal preparation.

In accordance with federal and state statutes, along with ODSA policy, no person shall be excluded from participation or subject to discrimination in the RFP process on the basis of race, color, age, sex, national origin, military status, religion or disability.

The Ohio Development Services Agency reserves the right to:

- Adjust the RFP timeline dates as needed and deemed appropriate;
- Accept or reject any and all proposals if determined that is it in the best interests of the state or SBDC Program to do so;
- Rebid this RFP, requesting new proposals from qualified organizations;
- Make no award at the end of the evaluation process (this RFP is not to be interpreted or construed to guarantee that one or more applicants submitting responses will be awarded);
- Fund any proposal in full or in part (any assignments of work by ODSA under the scope of this RFP will be made dependent on need and the availability of funding);
- Funding only those proposals determined to be the best and most responsive;
- Request additional information to assist in the review process; waive or modify minor irregularities in proposals received;

- Contact applicants to clarify any portion of the proposal documents;
- Negotiate with any qualified applicant;
- Require the submission of modifications or additions to proposal as a condition of further participation in the selection process; and
- Request that certain selected applicants make presentations and participate in interviews with ODSA's staff and reviewers.

Each applicant is required to meet the timeline requirements as presented on the front page of the RFP.

## **2. Conflict of Interest**

Each counseling resource, including center director, business advisor, consultant, faculty, student or volunteer and administrative support staff who work with clients and files (AA, coordinators, etc.), must sign the proper conflict of interest form 250 or 250-A annually. All forms must be signed annually and placed on file in each service center location. The purpose of this policy is to prevent the actions of any agent of the Ohio SBDC Network from constituting a conflict of interest.

## **3. Applicable Federal Laws and Documents**

Except for circumstances in which Federal law defers to State or local law any award made under this grant is subject to the following laws, regulations and policies:

- 5 U.S.C. App. 1 (Inspector General Act of 1978);
- 15 U.S.C. § 631 et seq. (Small Business Act);
- 22 U.S.C. § 7101 et seq. (Trafficking Victims Protection Act of 2000);
- 41 U.S.C. § 701 et seq. (Drug-Free Workplace Act of 1988), as implemented by 2 C.F.R. Part 182;
- 41 U.S.C. § 6306 (Prohibition on Members of Congress making contracts with Federal Government);
- 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act of 1990), as implemented by 28 C.F.R. Parts 35 and 36;
- 48 U.S.C. § 1469a (Waiver of Matching Fund Requirements for Awards to Insular Areas);
- 49 U.S.C. App. 1517 (Fly America Act);
- 2 C.F.R. Parts 180 and 2700 (Non-procurement Debarment and Suspension);
- 13 C.F.R. Parts 112, 113, and 117 (Civil Rights Compliance);
- 13 C.F.R. Part 146 (Restrictions on Lobbying);
- 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements);
- Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency);
- Executive Order 13513 (Federal Leadership on Reducing Text Messaging While Driving);

- Executive Order 13333 (Amending Executive Order 13257 to Implement the Trafficking Victims Protection Reauthorization Act of 2003);
- 22 USC § 7104 (Prevention of Trafficking);
- Title 13, Code of Federal Regulations (CFR), Chapter 1, or SBA's Standard Operating Procedures (SOPs);
- Title VI of the Civil Rights Act of 1964;
- 44 USC § 3501 (Paperwork Reduction Act);
- Executive Order 12600 (Pre-disclosure notification procedures for confidential commercial information);
- 5 USC § 552 (Freedom of Information Act); and
- 15 USC § 648 (SB Act, SBDC Program).

Each applicant must adhere to Equal Employment Opportunities and Disabled Accessibility/Accommodation Requirements. All SBDC services must be rendered on a nondiscriminatory basis, and no individual may be excluded from any program because of race, color, religion, sex, age, disability or national origin. Workshops, seminars and conferences must be held in accessible locations for individuals with disabilities. Reasonable accommodations will be made, upon request, for attendees with visual and hearing impairments. SBDCs are required to make modifications and accommodations (which do not fundamentally alter the program or activity or entail financial or administrative burdens) to enable otherwise qualified individuals with disabilities to participate. The SBDC Network must comply with applicable regulations under 13 CFR Parts 112, 113, 117, and 136.