METRO

PEOPLE PLACES
OPEN SPACES

RFP 10-1474-SUS

MARKET RESEARCH SURVEY

Metro Sustainability Center
600 N.E. Grand Avenue
PORTLAND, OR 97232
(503) 797-1700

Project Manager:
Judie Miller
Recycling Information Supervisor
(503) 797-1503
judie.miller@oregonmetro.gov

Notice is hereby given that proposals for RFP 10-1474-SUS for: Market Research Survey shall be received by Metro, 600 N.E. Grand Avenue, Portland OR 972327 until noon, July 21, 2009. It is the sole responsibility of the proposer to ensure that Metro receives the Proposal by the specified date and time. All late Proposals shall be rejected. PROPOSERS SHALL REVIEW ALL INSTRUCTIONS AND CONTRACT TERMS AND CONDITIONS.

METRO

600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

Request for Proposals RFP-1474

REQUEST FOR PROPOSALS FOR MARKET RESEARCH SURVEY

I. INTRODUCTION

The Sustainability Center of Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, is requesting proposals for a Market Research Consultant.

Metro is seeking a consultant to assist the agency in assessing the public's satisfaction with Metro Recycling Information, a telephone customer service information and education program of Metro's Sustainability Center. In addition Metro seeks to learn who our callers are, ways to improve our service and how callers learn about the service.

Proposals are due by noon on July 21, 2009.

II. BACKGROUND

The Metro Recycling Information program is a telephone hotline that serves as a clearinghouse of information for the public and businesses about recycling services, disposal options, home composting, buying recycled products, hazardous waste disposal and less toxic alternatives. The program provides 6 days per week service that is staffed by friendly, knowledgeable and helpful operators. Metro receives about 100,000 calls per year from the public and businesses, with public callers comprising approximately 90 percent of callers.

Since 1994 Metro Recycling Information has conducted once-a-year surveys of individuals calling the hotline. Metro seeks to learn more about existing callers, why they call, how frequently they call, what types of services they are seeking, how they learn about our service, and ways to improve service. Customer satisfaction with Metro Recycling Information is a key objective of the program. Metro wishes to continue to serve existing callers well and reach new callers; understanding existing callers and their motivations can help frame future outreach to new audiences.

In 2006-07 the annual survey was replaced with a rolling survey, with approximately every 200th caller being asked to participate in the survey. The same survey format was used in 2007-08. The desired annual sample size was approximately 500 callers, with actual completed survey numbers falling short of this number. The desired outcome was the capture of a more representative sample of types of calls received all year, as well as take into account the seasonal differences in call volumes and effect of all outreach efforts and programs.

III. PROPOSED SCOPE OF WORK AND SCHEDULE

Scope of Work

A) Develop market /customer satisfaction survey instrument to be used in a rolling survey conducted by hotline staff throughout the year. A copy of the last customer service survey instrument is attached to this RFP for reference.

   Contractor shall perform the following services with respect to development of a survey instrument for callers to the Metro Recycling Information center:

   1) Meet with Metro staff to discuss modification of previous surveys for the rolling survey format. Make recommendations for sample size, streamlining survey tool, and improvements to survey instrument.
   2) Assist Metro staff and Metro database programmer in development of survey database tool for gathering survey responses.
   3) Test and modify questionnaire as needed.
   4) Provide recommendations on how to conduct the in-house rolling survey and collect the information.

B) If feasible, recommend ways to modify survey tool to enhance quality of information. These recommendations may be included in the contracted scope of work.

C) Conduct analysis of information gathered by Metro staff, open-ended response evaluation, cross tabulations, sub-category analysis, development of recommendations, and preparation of a written summary report of findings. The data will be collected by hotline staff in an Access database that can be forwarded to the consultant in Access or Excel format.

D) Provide an electronic copy and two copies of each written report, using double-sided printing.

Proposed schedule

Proposals due *(two weeks after this proposal hits the street)*	July 21, 2009
Consultant selection	no later than July 24, 2009
Meeting with Metro to discuss project	no later than July 28, 2009
Completion of survey pre-test	no later than August 13, 2009
Changes to survey completed	no later than August 20, 2009
Survey conducted	daily by hotline staff
First quarter report	Oct. 8, 2009
Second quarter report	Jan. 8, 2010
Third quarter report	April 8, 2010
Fourth quarter and final report and presentation to Metro	July 8, 2010

IV. QUALIFICATIONS AND EXPERIENCE

Proposers shall have the following experience:

- Development and implementation of customer service survey questionnaires.
- Analysis of collected customer service survey data, development of recommendations, and preparation of detailed reports.

V. PROJECT INSTRUCTIONS

The proposal may be provided electronically to: judie.miller@oregonmetro.gov. Electronic proposals are encouraged in the interest of reducing paper.

If mailed or delivered send to:

Judie Miller
Metro
Sustainability Center
600 NE Grand Ave.
Portland, OR 97232-2736

Or, fax to (503) 797-1581

The submittal should be clearly marked *Metro Recycling Information Customer Service Survey*

If the proposal is printed, it should be printed double-sided, on recycled content paper (minimum 30-percent post-consumer content) with no non-recyclable materials included in the proposal.

Proposals are due no later than noon, July 21, 2009.

VI. PROPOSAL CONTENTS

The proposal should describe the ability to perform the work requested as outlined below.

Transmittal letter
Indicate who will be assigned to work on this project, who will be project manager, and that the proposal will be valid for ninety (90) days.

Approach/Proposed Work Plan
The proposer should describe how your firm would approach carrying out all of the work tasks described in this RFP. Describe how the work will be done within the given timeframe. Proposer should also indicate how their experience and approach would benefit this project.

Staffing/Project Manager Designation
Identify specific personnel assigned to major project tasks, their roles in relation to the work required, percent of their time on the project and special qualifications they may bring to the project. Include resumes of individuals proposed for this contract.

Metro intends to award this contract to a single firm to provide the services required. Proposals must identify a single person as project manager to work with Metro. The consultant must assure responsibility for any sub consultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

Experience
Indicate how your firm meets the experience requirements listed in section IV of this RFP. List projects conducted over the past five years that involved services similar to the services required here. For each of these other projects include the name of the customer contact person, his/her title, role on the project, and telephone number. Identify persons on the proposed project team who worked on each of the other projects listed and their respective roles.

Costs
Present the proposed costs of the project and the proposed method of compensation. Please separate the development and analysis costs into two distinct sections. List hourly rates for personnel assigned to the project, total personnel expenditures, support services, and sub consultant fees (if any). Miscellaneous expenses should also be listed. This list should include time spent meeting with Metro staff, survey instrument development, coaching/monitoring Metro staff to pre-test and administer the survey (and), analyzing data, and preparation and presentation of the final report to Metro staff. The budget for this project should not exceed $10,000.

Exceptions and Comments
To facilitate evaluation of proposals, all responding firms will adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized.

VII. EVALUATION OF PROPOSALS

A. Evaluation procedure
The evaluation will take place using the evaluation criteria identified in the following section. Interviews may be requested prior to the final selection of one firm. One proposer will be selected and contract negotiations will be conducted. If these negotiations proceed satisfactorily, the proposer will be awarded the contract. If negotiations are unsuccessful, the second highest ranked proposer may be selected for contract negotiations.

B. Evaluation criteria

Each proposal will be evaluated using the following criteria:

Approach to the project, demonstrated understanding of the project objectives as reflected in the proposed work plan, and performance methodology	**40 points**
Professional qualifications of staff and demonstrated experience in market research/customer satisfaction surveys	**35 points**
Projected cost/benefit of proposed work plan/approach	**25 points**
TOTAL POSSIBLE POINTS	**100**

IX. NOTICE TO ALL PROPOSERS – STANDARD AGREEMENT

The attached personal services agreement is a standard agreement for use by the Office of Metro Attorney. This is the contract the successful proposer will enter into with Metro; it is included for your review prior to submitting a proposal.

Questions?

Call Judie Miller at (503) 797-1503.

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Metro

Hotline Customer Service Survey

July 6, 2007

INTRODUCTION

Hello, may I speak with [READ NAME ON LIST]?

Hello, this is _____ from Metro. In the last couple days, you called our Recycling Information hotline and this call is to follow-up with a brief survey to capture feedback on your experience. This call is for research purposes only, and all your responses will be kept completely confidential. Your name and telephone number are not connected to the information we are gathering.

SCREENING

S2 Enter Business or Residential (FROM LIST).

1 Business
2 Residential

S3 (REMOVED JULY 2007)

QUESTIONNAIRE

(DISPLAY Q1 AND Q2 ON THE SAME PAGE)

Q1 Which of the following four reasons most closely represents your primary and secondary reasons for calling? You wanted to … **(READ LIST; ROTATE)**

Primary reason for calling:

11 Find the least expensive disposal solution
12 Ensure that your waste will be recycled or re-used
13 Find the most convenient disposal solution
14 Get general recycling information
99 **(DO NOT READ)** Other **(SPECIFY)**
88 **(DO NOT READ)** None of the above
97 **(DO NOT READ)** Don't know
98 **(DO NOT READ)** Refused

(OLD Q2A)
Q2 Secondary reason for calling: **(READ LIST AS NEEDED, ROTATE; ELIMINATE Q1 MENTION)**

11 Find the least expensive disposal solution
12 Ensure that your waste will be recycled or re-used
13 Find the most convenient disposal solution
14 Get general recycling information
99 **(DO NOT READ)** Other **(SPECIFY)**
88 **(DO NOT READ)** None of the above
97 **(DO NOT READ)** Don't know

98 **(DO NOT READ)** Refused

(OLD Q2B)

Q3 How did you first learn about Metro's Recycling Information Center? IF PHONE BOOK, PROBE: Which section? **(DO NOT READ LIST)**

Most common mentions
11 Called before/knew
23 Recycler/Hauler
15 Internet/World Wide Web
25 Word of mouth/co-workers/friends

Mailings/Flyers
17 Metro mailer/Handout
19 Newsletter/Curbsider/TrashTalk/WasteLine/News to Reuse
34 Flyer/brochure (general)
35 PGE bill

Media
20 Newspaper/Oregonian
21 Oregonian Inside Line
22 Radio
24 Television
26 White Pages(should be under Phone book heading)

Phone book
27 Blue Pages (government)
28 Yellow Pages
29 Community services section of phone book
30 Unknown phone book/section

Other mentions
12 Compost bin
13 Directory assistance
14 Driving by building/truck
16 Magnet/Promotion
18 Metro facility tapes
31 From business/employer
32 Called city/county/land fill
33 OSU Extension service

99 Other sources **(SPECIFY)**
97 Don't know
98 Refused

Put Q4 before Q5

Q4 Using a scale of one to five, where 1 means very dissatisfied and 5 means very satisfied, how would you rate your overall satisfaction with your call to Metro Recycling Information?

5 Very satisfied
4
3
2
1 Very dissatisfied
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

Q5 Using a scale of one to five, where 1 means Poor and 5 means Excellent, how would you rate your satisfaction with your call to Metro Recycling Information on... **(READ LIST; ROTATE)**

A Courtesy and professionalism

B Quality of information from Metro staff
C usefulness of information

5 Excellent
4
3
2
1 Poor
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

Q6 (REMOVED JULY 2007)

Q7 (REMOVED JULY 2007)

Q8 Had you ever called Metro Recycling Information before this most recent call?

1 Yes
2 No → **SKIP TO Q10**
7 **(DO NOT READ)** Don't know → **SKIP TO Q10**
8 **(DO NOT READ)** Refused → **SKIP TO Q10**

(OLD Q6)

Q9 How many times have you called Metro Recycling Information in the past year? IF NEEDED: Including this most recent call.

RECORD: _____
997 Don't know
998 Refused

(OLD Q6B)

Q10 On your recent call, did the Recycling Information operator refer you to a business or organization for the services you wanted?

1 Yes
2 No → **SKIP TO Q14**
7 **(DO NOT READ)** Don't know → **SKIP TO Q14**
8 **(DO NOT READ)** Refused → **SKIP TO Q14**

(OLD Q7)

Q11 Have you had a chance to contact the referral you were given?

1 Yes
2 No → **SKIP TO Q13**
7 **(DO NOT READ)** Don't know → **SKIP TO Q14**
8 **(DO NOT READ)** Refused → **SKIP TO Q14**

(OLD Q8)

Q12 Did the referral give you…? **(READ LIST)**

1 All the service or information you wanted → **SKIP TO Q14**
2 Some → **SKIP TO Q14**
3 Or none of the service or information you wanted → **SKIP TO Q14**
7 **(DO NOT READ)** Don't know → **SKIP TO Q14**
8 **(DO NOT READ)** Refused → **SKIP TO Q14**

(OLD Q8A)

Q13 Do you think you will…? **(READ LIST)**

1 Definitely contact the referral
2 Probably contact them
3 Or probably not follow-up on the referral that the operator gave you?
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

(OLD Q8B)

Q14 Now, thinking back to your conversation with the Recycling Information hotline operator, did you get…? **(READ LIST)**

1 All the information you wanted → **SKIP TO Q16**
2 Some of the information
3 Or none of the information you wanted?
7 **(DO NOT READ)** Don't know → **SKIP TO Q16**
8 **(DO NOT READ)** Refused → **SKIP TO Q16**
9 **(DO NOT READ)** Not applicable → **SKIP TO Q16**

(OLD Q9)

Q15 What other information did you need? **(DO NOT READ LIST; PROBE & CLARIFY)**

11 Paint info/limit on # gallons to recycle at a time/colors/paint grade
12 Where to take hard to recycle items (plastics/soil/contaminated files/ refrigerator/computer monitor)
13 Closer recycling locations/more convenient
14 Got wrong directions/wrong or incomplete info
99 Other **(SPECIFY)**
97 Don't know/Not sure/Can't remember
98 Refused

(OLD Q9A)

Q16 Do you have any suggestions to help improve the Metro Recycling Information service? **(DO NOT READ LIST; PROBE & CLARIFY)**

Most common mention
11 Fine as is

Staff-related
13 Better attitude/friendlier
28 Knowledgeable employees (current information)
15 More/longer hours/Sundays
14 Improve phone tree/reduce time on hold
17 Know what referral businesses take

Provide more information
18 More information on website
19 Published list of all recyclables
20 Information about recycled content products
21 Printed info on where to drop off recyclables
22 Web info on where to drop off recyclables
23 Information about garbage/recycling service costs
27 Location information
29 More information about recycling hazardous materials/"hard to recycle" materials

Other mentions
12 Advertise/promote it more
16 Expand recycling services/accept more materials
26 More phone listings/easy to find phone number
25 More/closer options for where to take things
24 Send recycling flyers/brochures periodically

99 Other **(SPECIFY)**
97 Don't know
98 Refused
88 Nothing/fine as is/no improvement needed

(OLD Q10)

Q17 Of the following five features, what ONE aspect of the service do you consider to be most valuable? IF MULTIPLE RESPONSE, CLARIFY: If you could choose only one which would be most valuable? **(READ LIST; ROTATE)**

11 Actual person/live response
12 One number for all kinds of information
13 Quick answers
14 Practical and useful information
15 Brochures and publications
99 **(DO NOT READ)** Other **(SPECIFY)**
97 **(DO NOT READ)** Don't know
98 **(DO NOT READ)** Refused

(OLD Q11)

Q18 Using a scale of one to five, where 1 means not at all valuable and 5 means extremely valuable, how would you rate the level of value you received from being able to speak with a real person when you called Metro Recycling Information?

5 Extremely valuable
4
3
2
1 Not at all valuable
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

Q19 Do you think you will call Metro Recycling Information in the future?

1 Yes
2 No
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

(OLD Q12)

Q20 (REMOVED JULY 2007)

Q21 On a scale of one to five, where 1 means no influence and 5 means great deal of influence, how much do each of the following factors influence your decision about whether or not to call Metro Recycling Information in the future? **(ROTATE)**

A Information helps me save money
B Information helps me save time because Metro Reps are able to quickly find the information I need
C The ability to speak with a person when calling
D The ability to find in-depth information
E Information to help make environmentally-friendly decisions

5 Great deal of influence
4
3
2
1 No influence
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

Q22 Have you ever referred the Recycling Information hotline to anyone else?

1 Yes
2 No
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

(OLD Q13)

(DISPLAY Q24 AND Q25 ON THE SAME PAGE)

Q24 I'm going to read some different ways that you could get your recycling and disposal questions answered. Which of these would be your FIRST and SECOND choices for getting your questions answered? **(READ LIST; ROTATE)**

First choice:

11 Call Metro Recycling Information
12 Call your local waste hauler
13 Look up information on Metro's website
14 Call a menu-driven line with recorded recycling information
15 Email your questions and receive an answer by email
16 Curbside brochures
99 Or some other way **(SPECIFY)**
97 **(DO NOT READ)** Don't know/Not sure/Can't remember → **SKIP TO Q23**
98 **(DO NOT READ)** Refused → **SKIP TO Q23**

(OLD Q13B)

Q25 Second choice: **(READ LIST AS NEEDED; ROTATE; ELIMINATE Q24 MENTION)**

11 Call the Metro Recycling Information Center
12 Call your local waste hauler
13 Look up information on Metro's website
14 Call a menu-driven line with recorded recycling information
15 Email your questions and receive an answer by email
16 Curbside brochures
99 Or some other way **(SPECIFY)**
97 **(DO NOT READ)** Don't know/Not sure/Can't remember
98 **(DO NOT READ)** Refused
88 **(DO NOT READ)** None, no other way

(OLD Q13C)

Q23 Have you ever looked for recycling or disposal information on the Metro website? IF NEEDED: It is... WWW.METRO-REGION.ORG

1 Yes
2 No
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

(OLD Q13A)

Q26 **(IF S2=1, BUSINESS)** What would you say is the biggest barrier that keeps you from recycling more at your business? PROBE: What else prevents you from recycling more? **(DO NOT READ LIST)**

Most common mentions
19 Employee attitudes/employees unwilling to recycle
13 No place to take ____/no one accepts____
12 No pickup/difficult for us to deliver

11 Don't have anything/much to recycle
14 Need location that will accept everything/more things
15 Cost/rates too high
16 Site, location not convenient/long way to go
17 Educate/give more information on recycling/benefits
18 Need a responsible person to be in charge of recycling
20 Don't know where to take things
21 Time/convenience (general)
22 Lack bins/space for recycling
99 Other **(SPECIFY)**
97 Don't know
98 Refused

(OLD Q20)

Q27 (REMOVED JULY 2007)

DEMOGRAPHICS (ASK IF S2=2, RESIDENTIAL)

In order to better target our services, I have just a few more questions. These questions are optional and for statistical purposes only. Again, your name and phone number are not attached to this data.

D1 What is your age?

RECORD: _____
998 Refused
(OLD Q14)

D2 How long have you lived in the Portland metropolitan area?

1 1 year or less
2 2-3 years
3 4-5 years
4 6-10 years
5 11-20 years
6 Over 20 years
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused
(OLD Q15)

D3 Do you live in an apartment or house?

11 Apartment/Condo
12 House (includes manufactured homes)/Duplex/Triplex
13 Mobile Home
99 Other **(SPECIFY)**
97 **(DO NOT READ)** Don't know
98 **(DO NOT READ)** Refused
(OLD Q15A)

D4 Do you have children under 18 years of age in your household?

1 Yes
2 No
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused
(OLD Q16)

D5 What is the highest level of education completed by any adult member currently living in your household?

1 High school or less
2 Some college or trade school
3 4 year college degree
4 Graduate degree
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused
(OLD Q17)

D6 Which of the following best describes the race or ethnicity of your family household members? IF NEEDED: We want to make sure we're including opinions of all groups.

11 White and not of Hispanic origin
12 African American or Black, and not of Hispanic origin
13 Hispanic
14 American Indian or Alaska Native
15 Asian or Pacific Islander
16 Mixed
99 Or something else **(SPECIFY)**
97 **(DO NOT READ)** Don't know/Not sure
98 **(DO NOT READ)** Refused

(OLD Q18)

D7 We have only one question left; we're almost done.

Which of the following broad income groups includes your total annual household income in 2006?

1 Under $25,000
2 $25,000 to just under $50,000
3 $50,000 to just under $75,000
4 $75,000 to just under $100,000
5 $100,000 or more
7 **(DO NOT READ)** Don't know
8 **(DO NOT READ)** Refused

(OLD Q19)

FIRMOGRAPHICS (ASK IF S2=1, BUSINESS)

F1 In order to better target our services, I have just a few more questions. What type of industry is your organization involved in?

11 Business services
12 Manufacturing
13 Transport/distribution
14 Retail/consumer services
15 Finance/insurance/real estate
16 Government
17 Builders/roofing/construction
18 Church
19 Health care/medical office/dental
20 Recycling
99 Other **(SPECIFY)**
97 **(DO NOT READ)** Don't know
98 **(DO NOT READ)** Refused

(OLD Q21)

F2 About how many people work in your organization in the Portland Metro area? IF NEEDED: Please include any other branches within the Portland Metro area only.

RECORD: _____
999997 Don't know
999998 Refused
(OLD Q22)

F3 What is your job title?

11 Owner / President
12 Administrator / Director
13 Manager (various except office)
14 Supervisor
15 Office manager
16 Assistant/clerical
17 Professional
18 Skilled craftsman
19 Professional sales
99 Other **(SPECIFY)**
97 Don't know
98 Refused
(OLD Q23)

ALL RESPONDENTS: RECORD GENDER (DO NOT ASK)

1 Male
2 Female

Thank you for your time; have a nice day/evening!

S1 Enter CALL ID (FROM LIST).

RECORD: _____

METRO
600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

Personal Services Agreement

Must be Under $25,000 Contract No. _____

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, whose address is 600 NE Grand Avenue, Portland, Oregon 97232-2736, and_____ _____ whose address is _____ _____, referred herein to as "CONTRACTOR."
In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration: This personal services Agreement shall be effective _____, 20___, and shall remain in effect until and including _____, 20___, unless terminated or extended as provided in this Agreement.

2. Payment: METRO shall pay CONTRACTOR services performed in an amount of/not to exceed (written amount) _____ _____and _____/100 ($_____).

3. Terms: Payment for services will be made in the manner: _____(lump sum, monthly installments, progress payments, etc.). Payment to be made within 30 days of receipt of an approved invoice.

4. Scope of Work: Contractor shall provide all services and materials specified below which is incorporated into this Agreement by reference. All services and materials shall be provided by CONTRACTOR in accordance with the Scope of Work in a competent and professional manner.

SCOPE OF WORK (attach additional pages as needed)

All terms on the reverse side of this document are hereby made a part of this AGREEMENT.

Contractor	**Metro**
Signature:_____	Signature:_____
Date:_____	Date:_____
Name:_____	Title:_____
Address:_____	Department:_____
_____	Division:_____
Telephone:_____	Telephone:_____
Fax:_____	Project Manager:_____
Tax I.D. or SS#:_____	Telephone/Fax:_____

Copy 1 – Contracts Copy 2 – Department Copy 3 – Contractor

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I: LIABILITY AND INDEMNITY

CONTRACTOR is an independent contractor and assumes full responsibility for its performance and assumes full responsibility for all liability for bodily injury or physical damage to persons or property arising out of or related to this Contract, Contractor shall indemnify, defend and hold harmless METRO, its elected officials, officers, employees and agents, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, whether before the commencement of litigation at trial or on appeal, arising out of or in any way connected with its performance of this Contract. CONTRACTOR is solely responsible for paying CONTRACTOR's subcontractors and nothing contained herein shall create or be construed to create any contractual relationship between any subcontractor(s) and METRO. CONTRACTOR is solely responsible for the acts and omissions of its' agents, employees, subcontractors, and/or representatives and for all claims.

ARTICLE II: TERMINATION

METRO may terminate this Contract upon giving CONTRACTOR seven (7) days' written notice. In the event of termination, CONTRACTOR shall be entitled to payment for goods received prior to the date of termination. METRO shall not be liable for any indirect or consequential, or any other damages whatsoever. Termination by METRO shall not waive any claim or remedies it may have against CONTRACTOR.

ARTICLE III: INSURANCE

CONTRACTOR shall purchase and maintain at CONTRACTOR's expense, the following types of insurance covering the CONTRACTOR, its employees and agents. Insurance coverage shall be a minimum of $1,000,000 per occurrence.

A. Broad form comprehensive general liability insurance covering personal injury, property damage, and bodily injury with automatic coverage for premises and operation and product liability. The policy must be endorsed with contractual liability coverage. <u>METRO, its elected officials, departments, employees, and agents shall be named as an ADDITIONAL INSURED.</u>

B. Automobile bodily injury and property damage liability insurance. <u>METRO, its elected officials, departments, employees, and agents shall be named as an ADDITIONAL INSURED.</u>

This insurance as well as all Workers' Compensation coverage for compliance with ORS 656.017 must cover CONTRACTOR'S operations under this Contract, whether such operations are by CONTRACTOR or by any subcontractor or anyone directly or indirectly employed by either of them.

CONTRACTOR shall provide METRO with a certificate of insurance complying with this article and naming METRO as an additional insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier. Notice of any material change or policy cancellation shall be provided to METRO thirty days (30) prior to the change.

ARTICLE IV: PUBLIC CONTRACTS

All applicable provisions of ORS Chapters 187 and 279A & B, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement including, but not limited to, ORS 279B.220 TO 279B.235.

ARTICLE V: ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

ARTICLE VI: QUALITY OF GOODS

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality. All workers and subcontractors shall be skilled in their trades. CONTRACTOR guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by METRO, whichever is later. All guarantees and warranties of goods furnished to CONTRACTOR or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of METRO.

In addition to any express warranties provided by the CONTRACTOR, all implied warranties covered by ORS Chapter 72 shall apply to any goods provided under this Contract, and are hereby expressly not disclaimed.

ARTICLE VII: SAFETY

If services of any nature are to be performed in connection with the provision of goods pursuant to this Contract, CONTRACTOR shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits. All applicable Material Safety Data (MSD) sheets shall accompany the goods.

ARTICLE VIII: RIGHT TO WITHHOLD PAYMENTS

METRO shall have the right to withhold from payments due CONTRACTOR such sums as necessary, in METRO's sole opinion, to protect METRO against any loss, damage or claim which may result from CONTRACTOR's performance or failure to perform under this agreement or the failure of CONTRACTOR to make proper payment to any suppliers or subcontractors.

ARTICLE IX: COMPLIANCE

CONTRACTOR shall comply with federal, state, and local laws, statutes, and ordinances relative to the execution of the work. This requirement includes, but is not limited to, non-discrimination, safety and health, environmental protection, waste reduction and recycling, fire protection, permits, fees and similar subjects.

ARTICLE X: INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, General and Special Instructions to Bidders, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between METRO and CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both METRO and CONTRACTOR. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

ARTICLE XI: ASSIGNMENT

CONTRACTOR shall not assign any rights or obligations under or arising from this Contract without prior written consent from METRO, which consent shall not be unreasonable withheld.