



Development  
Services Agency



Third Frontier  
Innovation Creating Opportunity

John R. Kasich, Governor

David Goodman, Director

# Appendix A

## Ohio Opioid Technology Challenge

### *RFP Process, Awards Process, and Mandatory Compliance*

## **Appendix A – RFP Process, Awards Process, and Mandatory Compliance**

**Request for Proposals Process:** This Ohio Third Frontier Program’s Request for Proposals (“RFP”) Process will consist of the following steps:

### **I. Release of Request for Proposal (RFP)**

This RFP will be released by publication on the Ohio Third Frontier website at [http://development.ohio.gov/bs\\_thirdfrontier/default.htm](http://development.ohio.gov/bs_thirdfrontier/default.htm) and the State of Ohio procurement website at <https://procure.ohio.gov>.

### **II. Questions and Answers (Q&A) and Communications**

#### a. Question and Answer Period

All questions regarding this RFP must be submitted to ODSA staff in writing via email. All questions and inquiries must be sent to [Ohio-opioid-challenge@development.ohio.gov](mailto:Ohio-opioid-challenge@development.ohio.gov) with a subject line of “RFP Q&A”.

#### b. Communication during Proposal Period

After a Proposal is submitted for this program RFP, the Commission reserves the right to request additional information from any or all Lead Applicants to assist in its evaluation process. However, no Lead Applicant, Collaborator or others acting on their behalf may initiate contact with any Commission member and/or ODSA’s external evaluators for this RFP’s Proposals during the Proposal Period regarding the submitted Proposal. The Proposal Period is considered to be the date of Proposal submission for this RFP through the date of the Commission’s award/rejection decision for that Proposal. Current Lead Applicants responding to this RFP are expected to limit their contact to those ODSA staff with whom they ordinarily interact regarding the administration of Ohio Third Frontier programs and grants. Lead Applicants, Collaborators and others acting on their behalf shall avoid direct contact with Commission members or other ODSA staff during the Proposal Period, other than that which might occur at regularly scheduled meetings.

#### c. If a Lead Applicant, Collaborator and/or others acting on their behalf makes prohibited contact, ODSA in its discretion may eliminate the Proposal from the RFP process.

### **III. Submittal of Proposal**

It is the responsibility of each Lead Applicant to ensure that ODSA’s Office of Small Business and Entrepreneurship receives Proposals by the submission deadline. Late Proposals will not be reviewed nor considered.

A Lead Applicant must ensure that a Proposal submitted in response to this RFP complies with all the requirements set forth in this RFP. All Lead Applicants are advised to read this RFP carefully to ensure a complete understanding of the Proposal requirements. In particular, the form, format, and content of all Proposals must follow the directions provided in Sections 2, 3 and 4 and use the forms presented in the Appendices. The Lead

Applicant is solely responsible to ensure its Proposal is complete, accurate, responsive to the requirements of this RFP, and received by ODSA's Office of Small Business and Entrepreneurship by the deadline provided on the cover of this RFP.

**Note:** All costs incurred in preparation of a Proposal shall be borne by the Lead Applicant and its team. Proposal preparation costs and/or Proposal consultancy costs are not recoverable from Ohio Third Frontier Funds nor will they be considered as Cost Share to the Project. The state shall not otherwise contribute to or be liable for the costs of Proposal preparation.

**Awards Process:** The Ohio Third Frontier's Awards Process will consist of the following steps:

**I. Proposal Review and Evaluation Procedures**

Ohio Third Frontier uses a competitive, objective, and transparent process to make awards to projects based on proposals that reflect meritorious statement of work content, sound business and commercialization plans, and potential for positive impacts on the economic conditions in Ohio.

An annual strategic plan, recommended by Ohio Third Frontier Advisory Board and approved by the Commission in open, public meetings, drives program framework and budget allocations. Following the Commission established program framework, this RFP establishes specific award criteria and will be subject to a competitive peer review process. This RFP process complies with Ohio Revised Code Section 184.02 (B), which states:

*In addition to the powers and duties under sections 184.10 to 184.20 of the Revised Code, the Commission shall do all of the following: (1) Establish a competitive process for the award of grants and loans that is designed to fund the most meritorious proposals and, when appropriate, provide for peer review of proposals.*

Upon receipt of proposals, ODSA staff will conduct an administrative review using an established written protocol to screen proposals for compliance with the objective content requirements defined in the RFP. Examples of proposal elements checked in the screening process include Lead Applicant eligibility and proposal completeness. Proposals found to not comply with this RFP's requirements may be eliminated from the competition and not reviewed further.

**II. Award Decision**

At a public meeting, Proposals recommended for funding will be presented along with necessary programmatic details including information about funds available and program goals and criteria. Lead Applicants will be informed of the meeting by ODSA staff. If requested, Lead Applicants must attend the Commission meeting at which Proposals are considered for funding. Both the external evaluator for this Ohio Third Frontier Program and ODSA staff will be available to respond to questions from Commission members. During the public meeting, and only at the specific request of a Commission member, ODSA staff will provide a funding recommendation.

Commission members will deliberate and exercise their independent judgment regarding award decisions based on all the information exchanged. The Ohio Third Frontier

Commission reserves the right to request additional information from any or all Lead Applicants to assist in its evaluation process. The Commission also reserves the right to direct additional due diligence be performed on any or all Proposals by ODSA staff and/or the external evaluator. The Commission may approve awards subject to conditions identified during its deliberation. The Commission acts by the affirmative vote of a majority of its members. The funding decisions of the Commission are final and all Lead Applicants will be notified of the outcome of their Proposals after the Commission makes its funding decisions.

All decisions taken by the Commission, including votes and a summary of any award conditions, will be recorded in minutes of the Commission meeting. If and to the extent the Commission deviates from a recommendation of an external evaluator, those deviations will be reflected in meeting minutes.

### **III. Award and Agreement Preparation and Execution**

Awards of Ohio Third Frontier Funds will be made based on Proposals as submitted (including any such modifications that may be identified during the review and evaluation process and as may be agreed by the Lead Applicant), the Project budget, and any conditions set forth by the Commission. The Grant will remain open for the duration of the Project, plus a reporting period to be determined by ODSA during which annual reports are required to be submitted to ODSA.

Following selection by the Commission, an award of Ohio Third Frontier Funds must be approved by the state's Controlling Board, a legislative body that reviews appropriation of state funds. ODSA will request Controlling Board review as soon as possible after the Commission funding decision. If requested, Lead Applicants selected by the Commission for funding must attend the Controlling Board meeting at which their applications for funding are to be considered. The Controlling Board process normally takes a minimum of 45 to 60 days to complete.

ODSA will prepare a Grant Agreement, a legal agreement setting forth the terms and conditions upon which Ohio Third Frontier Funds are awarded and the respective rights and obligations of the Lead Applicant and the State of Ohio with respect to Ohio Third Frontier Funds and the Project for which they are to be used. The Grant Agreement will incorporate the Proposal and Project budget, as either may have been modified by evaluation findings, funding decisions, or other terms or conditions consistent with the approval by the Commission. ODSA may require the Lead Applicant to provide cash flow projections on a quarterly basis.

Grant Agreements are sent to Lead Applicants for review and signature. ODSA executes Grant Agreements on behalf of the Commission after the Grant Agreement is accepted by the Lead Applicant. After ODSA executes the Grant Agreement, the Grant is entered on the state's accounting system and invoices may be submitted. Once the Grant Agreement is fully-executed, the Lead Applicant will be considered and referred to as a "Grantee".

A Grantee is required to complete the Project as described in the Grantee's Proposal as submitted and with only those modifications as agreed by the Grantee and ODSA in finalizing the Grant Agreement. ODSA will assign a Program Manager who will work with the Grantee throughout the Project Period. ODSA staff and the Grantee will develop a series of performance metrics that will be used to measure progress on the Grant Agreement.

All Grantees will be required to submit to ODSA quarterly progress and semi-annual metrics reports, as well as invoices and expenditures reports, to document achievement of Project milestones, to report Project-related success stories, and to submit post-Project completion annual reports for a period of time to be determined by ODSA. All reports and invoices will be submitted in the form and format required by ODSA, which may change from time to time.

From time to time during the Term of the Agreement, Grantee may organize conferences or other events open to industry representatives or the general public related to the Project, the subject matter of the Project or associated work of Grantee or its Collaborators. In consideration of the Grant, up to two representatives of the Grantor may attend such conferences and events for the purposes of sharing information between the Grantee, its Collaborators and other constituents, and the Grantor. The Grantee shall provide the Grantor reasonable advance notice of any such conferences and events. The Grantor will not be charged registration fees to attend such events.

**Mandatory Compliance:** The following restrictions apply to all Ohio Third Frontier Projects:

**I. Human and Animal Research**

For any Proposal that includes use of human subjects, the Lead Applicant's and each Collaborator's human subject policies and procedures must comply with the Code of Federal Regulations, Title 45, Part 46. For any Proposal that includes use of animal subjects, the Lead Applicant's and each Collaborator's animal subject policies and procedures must comply with US Code, Title 7, Sections 2131-2156.

**II. Obligations to the State: Compliance with Laws**

Grantees will be required to certify in the Grant Agreement that they do not owe: 1) any delinquent taxes to the state or a political subdivision of the state; 2) any moneys to the state or a state agency for the administration or enforcement of any environmental laws of the state; and 3) any other moneys to the state, a state agency, or a political subdivision of the state that are past due, whether the amounts owed are being contested in a court of law or not.

Grant Agreements will require Grantees to comply with all applicable federal, state, and local laws in the performance of the Project. Grantees must accept full responsibility for payments of all unemployment compensation, insurance premiums, workers' compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantees on the performance of the work authorized by the Grant Agreements.

**III. Compliance with Governor's Executive Order 2011-03K**

In accordance with Executive Order 2011-03K, Grantee, by its signature on this document, certifies 1) it has reviewed and understands Executive Order 2011-03K, 2) has reviewed and understands the Ohio ethics and conflict of interest laws including, without limitation, Ohio Revised Code §§ 102.01 *et seq.*, §§ 2921.01, 2921.42, 2921.421 and 2921.43, and §§ 3517.13(I) and (J), and 3) will take no action inconsistent with those laws and the order, as any of them may be amended or supplemented from time to time. The Grantee

understands that failure to comply with the Ohio ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and the grant of funds made pursuant to this Agreement and may result in the loss of other contracts or grants with the State of Ohio. The Executive Order can be found at <http://governor.ohio.gov/Portals/0/pdf/executiveOrders/EO2011-03.pdf>.

***IV. Other Compliance***

Ohio Third Frontier Funds may not be used for research involving tissue obtained from aborted fetuses. (See Ohio Revised Code Section 2919.14)