



Purchasing Services

**Request For Proposal
RFP 02/03-04**

BOARD AND ADMINISTRATIVE LEGAL SERVICES

Issue Date: Friday, August 16, 2002, 9:00 a.m.
Closing/Submittal Date: Friday, September 13, 2002, 4:00 p.m.
All Times Are In Local Time

SUBMITTAL LOCATION

**LANE COMMUNITY COLLEGE
PURCHASING SERVICES DEPARTMENT
BUILDING 7, ROOM 110A
4000 EAST 30TH AVENUE
EUGENE OREGON 97405-0640**

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Enclosure:	Mailing Label (one adhesive-backed sheet)	

This package consists of 28 consecutively numbered pages and one loose attachment; this is page 1.



Purchasing Services

PART I: Invitation

1) Invitation

Lane Community College of Eugene, Oregon, hereinafter, "**College**," invites proposals from **Legal Services Providers** (hereinafter, "**Proposer**," or "**Provider**," or "**Firm**," or "**Contractor**" or "**Attorney**") to **provide a variety of legal services to the college Board of Education and the administration** (hereinafter, "**college**"). Interested individuals and firms which are licensed to provide these services in the state of Oregon and which qualify in accordance with the requirements stated herein are invited to submit proposals to accomplish the Scope of Work defined within this invitation.

The selected provider shall act as the chief legal officer of the college and shall have general charge of all legal matters pertaining to the college as assigned by the Board of Education and or the college administration acting through the college president. Counsel shall attend meetings of the Board and its committees; shall represent the college in all legal proceedings; shall advise the college, its committees and officers and the president on legal matters as may be required.

Copies of the RFP may be obtained from the Purchasing Services Department, Lane Community College, 4000 E. 30th Avenue, Eugene, Oregon 97405 or by calling 541/463-5208. For additional information on this procurement and downloading the RFP please access the college web site at <http://lanecc.edu/purch/bids.htm>

The Board of Education of Lane Community College may waive any or all informalities and irregularities, may reject any proposal not in compliance with all prescribed public procurement procedures, and may reject, for good cause, any or all proposals upon a finding of the college that it is in the public interest to do so.

Lane Community College, a Community College District created within the context of Oregon Revised Statutes, is an Equal Opportunity Employer. **Minority and Women-Owned Businesses are encouraged to participate in this solicitation.**

2) Submittal of Proposals

Interested individuals and firms may submit responses to this invitation by completing the requested documentation and submitting it to:

**Lane Community College
Purchasing Services Department
Building 7, Room 110A
4000 East 30th Avenue
Eugene Oregon 97405**

within a sealed envelope or container clearly marked with the words:

Response to RFP 02/03-04 Enclosed

not later than the time and date set for submittals shown on Page 1. **Please use the enclosed, adhesive-backed, mailing label for this purpose. Delivery is the sole responsibility of the proposer. Proposals not received by the submittal date will be returned unopened.**

Lane Community College
Lloyd Rain, Purchasing Director

PART II: Instructions to Proposers

1) Definitions

Hereinafter Lane Community College shall be referred to as “College” or “LCC.” Persons, firms, agencies, partnerships or companies submitting responses to this invitation shall be referred to as “proposers” or “respondents” and the successful Proposer to whom the work is awarded shall be referred to as “contractor” or “vendor” or “supplier.” “Proposal Documents” and “invitation” shall mean this Request for Proposal (RFP) in its entirety. The **Legal Services** defined herein shall be referred to as the **services**.

2) Proposers’ Representation

Proposers, by the act of submitting their proposals, represent that:

- a) They have read and understand the Proposal Documents and their Proposal is made in accordance therewith;
- b) They have familiarized themselves with the local conditions under which the work will be done to their satisfaction;
- c) Their Proposal is based upon the requirements described in the Proposal Documents without exception (unless exceptions are clearly stated in the response).

3) Conditions of Submittal

By the act of submitting a response to this invitation the proposer certifies that:

- a) The proposer and each person signing on behalf of any proposer certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no member of the college Board of Education or other college officer, employee, or person, whose salary is payable in whole or in part by Lane Community College, has a direct or indirect financial interest in the proposal, or in the services to which it relates, or in any of the profits thereof **other than as fully described in the Transmittal Letter submitted in response to this invitation**;
- b) The proposer has examined all parts of the Request for Proposal, including all requirements and contract terms and conditions thereof, and, if its Proposal is accepted, the proposer shall accept the contract documents thereto unless substantive changes are made in same without the approval of the proposer.
- c) The proposer, if an individual, is of lawful age; is the only one interested in this proposal; and that no person, firm or corporation, other than that named, has any interest in the proposal, or in the contract proposed to be entered into.

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18) Selection Process

The following steps shall be taken to analyze and rank the proposals, and to finalize an agreement (**see Part VII for an expanded definition of the selection process**).

- a) Written proposals submitted to the college in accordance with this RFP will be evaluated by a review committee consisting primarily of college employees; consultants may be used in this capacity from time to time;

- b) Interviews of candidate firms will be held at the discretion of the committee and all references provided or implied (be being listed on client lists) may be contacted;
- c) Proposals shall be ranked based on evaluation of all available information, with the first ranked proposer being that which is deemed to be the most appropriate and fully able to perform the required services and the second-ranked proposer being the next most appropriate, etc., all in the sole judgement of the review committee.
- d) Proposals will be ranked based upon the format of Attachment A to this RFP. Any firm's response to this RFP shall be considered de facto permission to the college to disclose Attachment A, and associated summary, when completed, to selected viewers.
- e) The review committee will then submit its ranked list to the president of the institution. If approved, a recommendation will be submitted to the Board of Education, the top-ranked proposer usually being awarded the contract. If, for any reason, the top-ranked firm is unacceptable, the process will be repeated until a firm acceptable to the college is identified.
- f) It is the intent of the college to award the contract on the basis of the most attractive offer considering experience, capabilities, services and fees (per OAR 137-030-0090).

19) Whole Dollars Considered Only

Throughout the proposal analysis only **whole dollar amounts** shall be considered. Where proposal amounts show fractions of dollars, the fractional amount shall be disregarded without rounding. Any ranking by fees or costs shall be based upon the truncated whole dollar amount; that is, upon that portion to the left of the decimal point only, as presented by the proposer.

20) Language Requirement

The college conducts its business, contractual and legal affairs in American English as taught in most of the nation's law schools and as used for all legislative and statutory activities in the State of Oregon. All submittals in response to this solicitation shall be in clear, concise English since such submittals may become part of the contract documents. Any submittal not in compliance with this requirement may be ruled nonresponsive at the sole discretion of the college.

21) Timing

It is the college's desire to have a firm selected to provide legal services not later than mid-November, 2002 and for the contractor to be available to provide such services on or about December 1, 2002.

22) Qualifications (Absolute Requirements in order for a proposer to be deemed responsive)

There are seven requirements that the Proposer shall meet in order to qualify for consideration for award of the work specified herein. They are:

- a) The Proposer shall have not less than ten years' experience in the provision of legal services, not less than five of which are within the State of Oregon, providing all the types of services required within the Scope Of Work stated herein;
- b) The Proposer shall have not less than three years' experience in the provision of legal services to not less than two public agency boards which are subject to the Oregon "open meetings" laws;
- c) The Proposer shall be currently licensed to provide legal services within the State of Oregon as evidenced by the proposer's active membership as an Attorney at Law in the Oregon State Bar;
- d) The Proposer shall demonstrate, to the College's satisfaction, ability to provide legal counsel and services on a wide range of topics and shall demonstrate a proven history of same;
- e) The Proposer shall demonstrate considerable knowledge of both state and federal the law as it relates to the higher education legal environment;

- f) The Proposer shall maintain, within the State of Oregon, not less than one office from which the proposer operates his/her practice and,
- g) The Proposer shall not have a record of substandard work; the College will verify this by communication with a variety of clients and agencies including the Oregon State Bar and agencies of the Federal government and as many other references as may be desired.

END OF PART II

PART III: General Contract Conditions

THIS AGREEMENT is entered into by and between Lane Community college, a Community College District of the State of Oregon, hereinafter called COLLEGE, and the selected proposer, hereinafter called CONTRACTOR.

WHEREAS, the college has need for the services of an entity to **provide Board and Administrative Legal Services** with the particular training, ability, knowledge, and experience possessed by the CONTRACTOR, in consideration of the referenced costs, prices, charges and fees, the CONTRACTOR agrees to provide during the period(s) indicated in the proposal, the **services** indicated herein.

In providing these **services**, it is understood and agreed that all conditions herein shall apply to all such **services** rendered within the context of this invitation and resulting award.

1) Standard Terms of Contract

The terms applicable to this contract are listed on Internet address

<http://lanecc.edu/cops/terms.htm>

All terms listed therein are hereby incorporated into the contract for the provision of **Board & Administrative Legal Services**.

2) Contractor Status

Contractor is engaged as an Independent Contractor and shall be responsible for all Federal and State taxes as applicable to this contract and the payments made therewith.

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PART IV: College General and Financial Data

1) Background

Lane Community College is a comprehensive community college whose mission is to provide accessible, affordable, high quality, lifelong education. The college is a political subdivision known as a Community College District. It encompasses some 84 departments and various administrative functions. The college operates on a general fund basis and administers a number of non-general fund accounts.

The college educates approximately 13,000 Full-Time-Equivalent students each year while serving just over 40,000 individuals of all ages in various educational categories. Of these, over 16,000 enroll in credit classes; the others enroll in Lane's non-credit community education opportunities.

2) Employment

Lane employs a work-force of approximately 1200 full-time and part-time staff. Of this total, approximately

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PART V: Scope & Statement of Work

1) Scope of Work

- a) The general legal counsel (Board and Administrative Legal Services provider) shall act as the chief legal officer of the college and shall have general charge of all legal matters pertaining to the college as assigned by the Board of Education and or the college administration acting through the college president. Counsel shall attend meetings of the Board and its committees; shall represent the college in all legal proceedings; shall advise the college, its committees and officers, the president on legal matters as may be required; and shall, subject to the direction of the Board and the president, oversee the provision of all legal services to the college.
- b) The general counsel reports to the president of the college and is responsible to the Board of Education for all its activities. That is, all assignments shall be made by the president; however, counsel serves at the pleasure of the Board of Education.

2) Statement of Work

The general legal counsel shall provide those legal services generally understood within the field of municipal law to fall within the category of "general counsel" work, and would include, but not necessarily be limited to, the following:

- a) Attend all meetings of the college Board of Education, including regular meetings, special meetings, executive sessions, and work sessions (as required. {The board meets the second Wednesday evening of each month for approximately four hours including a preliminary work session. There are approximately ten other work sessions and usually two all-day retreats per year at which the board meets and the general counsel is expected to be represented.})
- b) Attend, as needed and directed by the college president, meetings of other commissions and committees.
- c) Provide informal legal advice, upon request, to the college Board of Education and its members, the college president and her staff; and the employees of the college, as required and permitted. "Informal advice" means advice that can be given with less than 30 minutes of research and review, and does not include questions related to pending litigation, major projects or to labor/personnel issues.

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PART VI: Proposal Content and Analysis

1) Proposal Analysis •• Phase One

Proposals shall be read by the members of the review committee. Proposals will be divided into two groups, those which are considered responsive and responsible, and those which are not. Those which are not will be withdrawn from consideration.

Note: **Responsive** means that the proposal has complied with all the requirements of this invitation; **Responsible** means that the proposer has been truthful, that pertinent negative information has not been withheld, that the proposal is not a sham, that the proposer and named staff are qualified as specified, that the proposer is adequately financially sound for a reasonable expectation of completion of the work, and that the proposer, in the sole judgement of the college, is capable of performing the work.

During the above evaluations all proposals will be ranked on a "pass/fail" basis.

2) Proposal Analysis •• Phase Two

Proposed fees will then be considered in two categories, acceptable and unacceptable. Proposals with unacceptable fee structures will be withdrawn from consideration. The college reserves the right to clarify and redefine fees should the occasion arise to do so. If some fees are acceptable and others not, the proposal may be retained in the active pool until Phases Three and Four are completed. The issue of fees may then be revisited.

3) Proposal Analysis •• Phase Three

Each remaining proposal will then be scored using paragraph 4 of Attachment A as the template for scoring. The primary factors which will be considered include the proposer's:

- a) Clear understanding of the work to be performed, demonstrated by the comprehensiveness and appropriateness of the proposal
- b) Ability to undertake a contract of the size indicated, demonstrated by the size, organizational structure and financial soundness of the firm
- c) Specific technical experience of the firm in the types of law expected to be performed
- d) Specific prior experience for large governmental, municipal and/or post-secondary educational organizations
- e) The firm's reputation as an effective provider of legal services as judged by the selection committee on the basis of references, litigation, disputes, financial resources, stability of staff and other perception of the proposer and extremely good communication skills

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8) Configuration control

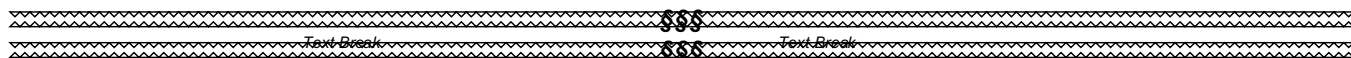
Please be sure to identify each page of each submittal with your firm name and the membership of each page in a particular group or section. During the analysis phase submittals may be separated in order to provide copies for distribution. Pages which are not clearly identified may not be replaced correctly or may not be attributed to the appropriate proposer.

**Attachment C •• RFP 02/03-04 •• (Page 1 of 1)
Board & Administrative Legal Services**

Specific Questions to be Answered as Part of the Proposal

(Maximum one typewritten page per answer)

- 1) Describe your firm's background and history, including the number of years in business and the scope of services currently provided to clients. Include a statement describing why your firm is qualified to perform the work outlined in this solicitation and detailing the proposed approach to performing this work.
- 2) State the availability of your proposed staff to the college, especially your ability to provide timely responses to all needs outlined in the Scope of Work and your ability to attend face-to-face meetings when required, occasionally on considerably short notice.
- 3) Describe your firm's staffing proposal for providing the legal services stated herein, specifically which persons are intended to perform which type of work. Specifically include details of experience in providing municipal legal services.
- 4) Describe your firm's philosophy for the provision of legal service to publicly elected boards
- 5) Summarize examples of complex legal issues your firm has successfully handled for municipal or other public agency clients, including the names of the attorneys who worked on those cases.
- 6) Describe your firm's experience in dealing with stalking and sexual harassment issues. Provide your firm's opinion on sexual harassment issues from student to student and faculty to student.



Attachment D •• RFP 02/03-04 •• Board & Administrative Legal Services •• (Page 3 of 3)
Proposal Form

CERTIFICATIONS

Non-Collusion

The undersigned proposer hereby certifies that it, its officers, partners, owners, providers, representatives, employees and parties in interest, including the affiant, has not in any way colluded, conspired, connived or agreed, directly or indirectly, with any other proposer, potential proposer, firm or person, in connection with this solicitation, to submit a collusive or sham bid, to refrain from bidding, to manipulate or ascertain the price(s) of other proposers or potential proposers, or to secure through any unlawful act an advantage over other proposers or the college.

The prices submitted herein have been arrived at in an entirely independent and lawful manner by the proposer without consultation with other proposers or potential proposers or foreknowledge of the prices to be submitted in response to this solicitation by other proposers or potential proposers on the part of the proposer, its officers, partners, owners, providers, representatives, employees or parties in interest, including the affiant.

Conflict Of Interest

The undersigned proposer and each person signing on behalf of the proposer certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no member of the Lane Community College Board of Education or college officer, employee, or person, whose salary is payable in whole or in part by Lane Community College, has a direct or indirect financial interest in the award of this Proposal, or in the services to which this Proposal relates, or in any of the profits, real or potential, thereof, except as noted otherwise herein.

The undersigned hereby submits this **Proposal** to furnish all systems, materials and labor as indicated herein and agrees to be bound by the following documents: Request for Proposals, Instructions and Supplementary

Instructions to Proposers, General and Supplementary Conditions, Specifications, Proposal Form, proposer's response, mutually agreed clarifications, appropriately priced change orders, exceptions which are acceptable to the college and all other proposer's submittals.

SIGNATURE BLOCK	
Company or Firm Name:
Signer's Mailing Address:
Signer's City/State/Zip:
Signer's Telephone Number:
Signer's Facsimile Number:
Signer's Name (Printed):
Signer's Title:
Signature:	Date:

NOTE: Submit Proposal Form and Necessary Attachments Only.

•-----End-----•