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07-020

APPROVE FIVE YEAR CONTRACTS FOR LEGAL
COUNSEL SERVICES

PREPARED BY: Steven J. Hopf, Purchasing Manager

FINANCIAL
RESPONSIBILITY: Randy McEwen, Vice President, Administrative Services

APPROVED BY: Randy McEwen, Vice President, Administrative Services
Dr. Preston Pulliams, District President

REPORT: The College has an ongoing need to contract with qualified firms to provide general legal counsel services. Since December 1, 2001 the College has contracted with Miller Nash LLP as general counsel, and Bullivant Houser Bailey PC as alternate general counsel. To date the College has expended approximately \$1,250,000.00 on the two Contracts. (This includes non-recurring, non-general fund Real Property acquisition and environmental remediation claims expenditures). Ongoing college legal services expenses are approximately \$100,000 annually.

Oregon Revised Statute 279A.025(2) The Public Contracting Code does not apply to: (d) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which a public body is or may become interested. Therefore a new RFP is not required.

Upon review of the services provided and in recognition of the successful professional rapport developed over the last contract term the College would like to continue the current relationship with both firms and issue new contracts. Under the new contracts both firms will be named legal counsel for the College. This will allow the College to match specific expertise and qualifications to the situation, and to provide for situations where one firm may be conflicted.

Per Board Policy B 202, the Board will review at least once every three years its contracts with legal counsel, auditors, and insurance agents. The contracts for legal counsel will therefore be reviewed at the completion of the first and fourth years of the contracts. Though the new agreements will carry a five year term, the Board will maintain the authority to terminate the contracts upon sixty (60) day written notice, maintaining compliance with Board Policy B 202.

RECOMMENDATION:

That the Board of Directors award five year contracts to Miller Nash LLC and Bullivant Hauser Bailey PC as general counsel and alternate general counsel respectively.