

# REQUEST FOR PROPOSALS

## ***PORT COUNSEL SERVICES***

For  
PORT OF ASTORIA

**Closing Date: June 10, 2010**

(Service to begin 8/1/10)

### I. Introduction

Port of Astoria is requesting proposals from attorneys at law to provide certain Port Counsel legal services to the Board of Port Commissioners, the Port Executive Director and Department Heads.

### II. Scope of Work

The Port intends to select a qualified attorney or attorneys to provide the following services:

- A. Advise all Port officials on matters relating to Port business;
- B. Prepare and/or review and approve ordinances, resolutions, contracts, agreements, leases, deeds and other related documents;
- C. Represent the Port in litigation including cases in Circuit Court, the Oregon Supreme Court, the Court of Appeals, the Land Use Board of Appeals, the Department of Revenue, Tax Court, Bankruptcy Court and civil proceedings not covered by Port insurance;
- D. Attend Port Board, Port staff and/or department head coordination and other meetings as requested. (Port Board meets twice each month);
- E. Monitor current special district, Port, state and federal legislation and/or litigation as such may relate to the Port and advise Port officials thereof;
- F. Provide legal opinions on matters relating to Port activities;
- G. Participate in the development of staff recommendations for action by the Board of Port Commissioners, or other commissions or boards;
- H. Make recommendations for updating existing codes, resolutions and other policies and practices;
- I. Represent Port in intergovernmental relations as appropriate;
- J. Maintain appropriate records and files;
- K. Assist in the preparation of findings of fact as appropriate;
- L. Act as liaison with Port's insurance provider regarding claims;
- M. Serve as legal advisor to the Board of Commissioners, Port Director, Department Heads and Human Resources Manager on labor relations and negotiations;
- N. Represent the Port in labor grievances, arbitration and litigation proceedings;

- o. Perform related duties as necessary.

### III. General Provisions of Agreement

The services will be provided on a contractual basis with the following provisions:

- A. Three-year agreement terminating on 30 days notice from either party, renewable for three years.
- B. Files are the property of the Port and documents are subject to the public records law.
- C. The attorney or attorneys will provide Port with copies of work product, including but not limited to, Ordinances; Codes; Resolutions; Policies; and Agreements, in electronic/MS Word-format as well as hard copy at the request of Port.
- D. The attorney or attorneys selected will provide the Port with sufficient time and staff to perform required services including legal advice, documents preparation and review (3-5 approximately hours per week on average), litigation and labor negotiations/representation.

### IV. Qualifications

The proposals will be reviewed and the selection made by the Port Board of Commissioners. Selection will be on the basis of the following equally weighted criteria:

- A. Knowledge of general municipal law, contract law, real property law, Oregon Public Employees labor law and Oregon law governing Special Districts.
- B. Experience as a practicing attorney at law with experience in labor law, labor negotiations and interest based bargaining, real property law, municipal law, and maritime law and special statutes that apply to ports.
- C. Ability to perform in a timely and thorough manner, and ability to interact well with the Board, Port staff, and citizens.

### V. Proposal Requirements

Proposals from individual or from groups of attorneys will be considered. As a minimum, the proposal in letter form should include the following information:

- A. An overall introduction to the proposal, including a statement of the your understanding of the project;
- B. Qualifications of you, your group of attorneys and of your support staff (include number of staff) to perform the work with a list of clients for whom you have provided similar services in the recent past;
- C. Amount of time you would be available "on-site" at Port of Astoria offices if requested;
- D. Your office location or locations;

- E. Qualifications of legal backup that would be provided in the event of your absence or unavailability;
- F. Hourly rates, additional costs, etc.

VI. Submission Requirements

Each attorney or group of attorneys wishing to respond to this request should present seven copies of completed, signed proposal to the Port of Astoria Commission Office, no later than 5:00 p.m., June 10, 2010 at the following address:

Port of Astoria Commission  
422 Gateway Ave., Suite 100  
Astoria, OR 97103

VII. Selection Schedule

Review of the proposals will be completed by July 1, 2010 and the selection made at a meeting of the Port of Astoria Board of Commissioners during the month of July. Cost of the services will be negotiated between the parties as part of the selection process.

VIII. Limitations

In addition to all other rights granted to it under Oregon law, Port reserves the right to waive formalities in the proposal process, to accept or reject any or all proposals received as a result of this request, to negotiate with qualified attorneys, or to cancel, in part or in its entirety, the request for proposals if it is in the best interest of the Port to do so. Port also reserves the right to negotiate separately with any Proposer whatsoever, in any manner necessary to serve the best interests of the Port. This request for proposals does not commit the Port to pay any costs incurred in the preparation of a proposal.

IX. General Information

Please contact Jack Crider, Executive Director, at (503) 325-4521 for further information.

X. Representation

By making a proposal each Proposer represents that the Proposer has read and understands the Request for Proposal (RFP) documents and is familiar with the locales, conditions and circumstances under which the work is to be performed. Proposer further represents that Proposer does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap financial ability age or other non-job-related factors as per ORS 659 and 42 UCS 2000.