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13-018

APPROVE FIVE YEAR CONTRACT FOR LEGAL  
COUNSEL SERVICES

PREPARED BY: Steven J. Hopf, Finance Division Manager, Procurement

FINANCIAL  
RESPONSIBILITY: Wing-Kit Chung, Vice President, Administrative Services

APPROVED BY: Jim Langstraat, Associate Vice President, Finance  
Wing-Kit Chung, 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 \$2,000,000.00 on the two Contracts. However, Miller Nash accounts for almost all of these expenditures. (This includes non-recurring, non-General Fund Real Property acquisition and environmental remediation claims expenditures). Ongoing college legal services expenses are approximately \$150,000 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 no RFP is 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 Miller Nash LLP as general counsel and issue a new contract. In the event Miller Nash LLP has a conflict of interest, the College will match specific expertise and qualifications to the situation, and issue contracts on as needed basis.

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 a five year contract to Miller Nash LLP as general counsel for the college.