

# REQUEST FOR PROPOSALS

## ***PORT COUNSEL SERVICES***

For  
PORT OF ASTORIA

**Closing Date: Sep 30, 2016**  
(Services to Begin Nov 16, 2016)

### I. Introduction

The Port of Astoria is requesting proposals from attorneys at law to provide legal services to the Board of Port Commissioners and the Port Executive Director or the Executive Director's designee. The Port may elect to solicit the services of one law firm capable of handling all areas of law that the Port requires, as outlined below; alternatively, the Port may elect to retain the services of several different firms in order to procure all needed expertise.

### II. Scope of Work

The Port intends to select a qualified attorney or attorneys to provide the following services on an as-needed basis:

- A. Work with the Port Commission and staff to provide legal opinions on matters relating to Port business; Port business primarily entails the following areas of law (in order of importance by frequency of needed services):
  - 1. Real property law and commercial lease negotiation/writing
    - a. Review commercial leases for legal sufficiency
    - b. Analyze commercial leases for long term financial impact
    - c. Advise as to lease negotiation strategy and structuring of various aspects of the commercial lease
    - d. Prepare and/or review/approve contracts, agreements, leases, deeds and other related documents;
  - 2. Oregon Municipal law with an emphasis on special districts law, particularly as it applies to Port districts.
    - a. Prepare and/or review and approve Port Ordinances and Resolutions and otherwise make recommendations as requested for updating existing Ordinances and Resolutions
    - b. Advise and review/approve public procurement procedures and documents
    - c. Advise Commission on Contract Review Board Rules and

- Oregon public contracting law requirements for a wide variety of projects
- d. Advise Commission on content of Port By-Laws and otherwise advise as to various policies and procedures regarding the internal procedural functioning of the Commission
- 3. Labor law, labor negotiations and interest based bargaining
    - a. Serve as legal advisor to the Board of Commissioners and Executive Director on labor relations and negotiations
    - b. Represent the Port in labor grievances, arbitration and litigation proceedings
    - c. Preference will be given to those with experience in negotiating with the ILWU
  - 4. Environmental Law
    - a. Advise as to the procurement of all permits required by the Port
    - b. Advise as to the negotiation and settlement of Area Wide Contamination issues
    - c. Advise as to matters related to all major Environmental legislation
  - 5. Maritime law
- B. 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;
  - C. Monitor current special district, Port, state and federal legislation and/or litigation as such may relate to the Port and advise Port officials thereof;
  - D. Participate in the development of staff recommendations for action by the Board of Port Commissioners;
  - E. Represent the Port in intergovernmental relations as appropriate;
  - F. Maintain appropriate records and files;
  - G. Assist in the preparation of findings of fact as appropriate;
  - H. Act as liaison as requested with Port's insurance provider regarding claims;
  - I. 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 the Port with copies of all work product.
  - 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 variable weighted criteria:

- A. Knowledge of general municipal law, contract law, real property law, Oregon Public Employees labor law and Oregon law governing Special Districts, particularly ORS 777 and other statutes that govern Port 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.
- D. Demonstration of your ability to work with the Port to develop cost saving measures with regards to legal fees.
- E. Preference will be given to local attorneys and/or those with experience with the Port of Astoria or Oregon ports in general.

#### V. Proposal Requirements

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

- A. An overall introduction to the proposal, including a statement of your understanding of the scope of responsibilities;
- B. A summary of the relevant qualifications of yourself and your support staff (include number of staff); please include 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.
- G. Anticipated response time: returning phone calls, providing work

product/opinions, etc.

VI. Submission Requirements

Each attorney or group of attorneys wishing to respond to this request should present seven copies of a completed, signed proposal to the Port of Astoria Commission office, no later than 5:00 p.m., Sep 30, 2016 at the following address:

Port of Astoria  
c/o Jim Knight  
10 Pier One Suite # 308  
Astoria, OR 97103

VII. Selection Schedule

Review of the proposals will be completed by October 31, 2016 and the selection made at a meeting of the Port of Astoria Board of Commissioners during the month of November.

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 Jim Knight, Executive Director, at (503) 741-3337 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.