

**Subject**      **C. Agreement with LexisNexis**

Meeting        Dec 12, 2012 - GB Regular Meeting

Category       21. APPROVAL OF AGREEMENTS - COST TO DISTRICT

Type            Action

Recommended Action    Approve Agreement No. AR3639.12 with LexisNexis, for Paralegal Study students to have access to electronic legal research tools, for the period January 1, 2013 to December 31, 2014, inclusive, in an amount not to exceed \$5,527.20.

SUBMITTED BY: Kathy L. Tyner, M.S., Vice President for Academic Affairs

INITIATED BY: Mark Meadows, Ph.D., Dean, School of Social Sciences, Business and Humanities

#### OVERVIEW

Virtually every law office or agency uses paralegals to perform electronic legal research and our Paralegal Studies Program currently offers a course to teach these skills as part of the curriculum. Students need access to LexisNexis for their training and this agreement will provide 40 passwords for students and faculty to access the LexisNexis website and sources of law. The cost is \$230.30 per month or \$2,763.60 per year.

#### FISCAL IMPACT/ACCOUNT

\$5,527.20 Cost to the District/Account No. 1-45545-140296-820 (Project Funded)

#### File Attachments

[Lexis Nexis Agreement December 2012 AR3639.12.pdf \(715 KB\)](#)

**Subject**      **D. Agreements with Firms for Legal Services for Governing Board Approved Attorney List**

Meeting        Dec 12, 2012 - GB Regular Meeting

Category       21. APPROVAL OF AGREEMENTS - COST TO DISTRICT

Type            Action

Recommended Action    Approve Agreement Nos. A3629.12; A3633.12; A3630.12; A3632.12; A3631.12; A3634.12; with listed law firms to provide legal services related to Request for Proposal (RFP) 135, for the period January 1, 2013 to December 31, 2015; and further, designate General Counsel as indicated.

#### RECOMMENDATION

Approve Agreement Nos. A3629.12; A3633.12; A3630.12; A3632.12; A3631.12; A3634.12; with listed law firms to provide legal services related to Request for Proposal (RFP) 135, for the period January 1, 2013 to December 31, 2015; and further, designate \*General Counsel as indicated.

Law Firm	Agreement No.
Atkinson Andelson Loya Ruud Romo	A3629.12
Best Best & Krieger	A3633.12
Dannis Woliver Kelley	A3630.12
Liebert Cassidy Whitmore	A3632.12
Lozano Smith *	A3631.12

Stutz Artiano Shinoff &amp; Holtz

A3634.12

\*General Counsel

Pursuant to Procedure No. 2715 Code of Ethics, the Governing Board shall designate a standing "Special Counsel" from the approved list of legal firms. The Special Counsel shall be an attorney other than the General Counsel.

## OVERVIEW

The Governing Board, at its meeting held on June 13, 2012, adopted Procedure No. 2205 Governing Board Attorney List, which requires the College District to solicit written proposals for legal services from local and regional attorneys, every third year. Pursuant to this procedure, the District staff conducted a Request for Proposal (RFP) for legal services in order to identify law firms to recommend for the attorney list for the Board's consideration and also to designate one of the firms to serve as General Counsel.

**Process:**

- The committee for this RFP selection process was appointed by Dr. Melinda Nish, Superintendent/President and consisted of Steven Crow, Vice President for Business & Financial Affairs; Mary Ganio, Executive Assistant to the Superintendent/President; Albert Roman, D.P.A., Vice President for Human Resources; Priya Jerome, Director of Procurement, Central Services & Risk Management; Wayne Yanda, Director of Finance; and John Brown, Director of Facilities, Operations & Planning, who were responsible for developing and reviewing the scope and responses to the RFP and interviewing the shortlisted firms.
- In accordance with Public Contracts Code Sections (PCCS) 20112 the District placed advertisements in the following newspapers: San Diego Daily Transcript on August 22 and 28, 2012; Union Tribune on August 27 and 30, 2012, and La Prensa on August 24, 2012. The RFP document was also made available on the District's Website.
- The timeline for this solicitation was as follows:

RFP 135 Schedule	
Advertisement Dates	August 22, 24, 27, 28, 30, 2012 (Covers all days of the week in a two-week span.)
Publication	Daily Transcript – 8/22/12 & 8/28/12 Union Tribune – 8/27/12 & 8/30/12 La Prensa – 8/24/12
Request for Information (RFI) Due Date	September 5, 2012 by 4:00 p.m.
Pre-Proposal Meeting	September 11, 2012 at 10:00 a.m.
District Response to RFI	September 14, 2012 by 4:30 p.m.
RFP Due Date	September 25, 2012 by 10:00 a.m.
Interview/Presentations	October 26, 2012; 10:00 – 5:30 p.m.
Negotiations	November 16, 2012 at 1:00 p.m.
Committee Reviews the Recommendations	December 5, 2012, 12:30 p.m.
Anticipated Governing Board Approval	December 12, 2012

- At no time in the development of this solicitation or the execution of the RFP was any individual involved who was also associated with an entity that submitted a response.
- Fifteen (15) firms submitted proposals in response to this RFP of which, one (1) firm (Fagen, Friedman and Fulfrost) submitted their response after the RFP deadline and hence this proposal was rejected without review.
- In accordance with the selection criteria provided in the RFP documents, and after the committee's discussion which included the merits of the services provided, as well as value and support to the District, eight (8) firms were shortlisted and invited to participate in an interview/presentation process that included 30 minutes for presentation and Q & A. Six (6) firms were not selected for the presentation/interview process because the responses submitted did not, either meet/address the requirements set forth in the RFP, and/or did not present a good fit in comparison to the other eight (8) responding firms. The \*shortlisted firms are reflected below:

<b>RFP 135 – Legal Services</b>		
<b>Submitted Proposals &amp; Selected for Interview</b>		
	<b>Law Firms – Submitted Proposals</b>	<b>Selected for Interview</b>
1	Atkinson Andelson Loya Ruud Romo	*
2	Bergman Dacey Goldsmith	
3	Best Best & Krieger	*
4	Dannis Woliver Kelley	*
5	Gibs Giden Locher Turner & Senet LLP	
6	Liebert Cassidy Whitmore	*
7	Lozano Smith	*
8	Meyers Nave	
9	Neil Dymott	
10	Orbach Huff & Suarez	*
11	Parker & Covert LLP	
12	Schwartz Semerdjian Ballard & Cauley LLP	
13	Stutz Artiano Shinoff & Holtz	*
14	Winet Patrick & Weaver	*

\*Shortlisted firms selected for interviews.

- After the interview process, the scores were tabulated with the average score given to each proposal based on preset criteria, listed below, as set forth in the RFP documents.
  - Strict conformance to minimum qualification criteria as set forth in the RFP.
  - Compliance of the required forms and certificates as set forth in the RFP.
  - Completeness of the proposals and adherence to proposal format and forms.
  - Profile and overview of the Legal Firm.
  - Size, scope and capacity of the Legal Firm.
  - Resources to be committed to the District.
  - Overall experience.
  - Approach and methodology.
  - Pricing.
  - Value analysis of the proposed services to be performed.
  - Customer references and previous clients.
  - Interview and presentation.
- The scores for each of the eight (8) shortlisted firms are provided in the table below.

<b>RFP 135 – Legal Services</b>	
<b>Interview Average Score Tabulation</b>	
<b>Firm</b>	<b>Average Score</b>
Atkinson Andelson Loya Ruud Romo	554
Best Best & Krieger	549
Dannis Woliver Kelley	518
Liebert Cassidy Whitmore	516

Lozano Smith	548
Orbach Huff & Suarez	467
Stutz Artiano Shinoff & Holtz	510
Winet Patrick & Weaver	438

#### RATIONALE FOR RECOMMENDATION

After consideration of the RFP responses, interview process, including interview scoring, and the District's needs, the committee recommends six (6) law firms listed below for the Governing Board's approved attorney list.

In addition to the above criteria, and taking into consideration the Governing Board's summary of discussion at its workshop on November 28, 2012, the committee further recommends that Lozano Smith be designated as General Counsel. The interview process identified Lozano Smith as the firm best fitting the specific general counsel needs and goals of the District.

1. Atkinson Andelson Loya Ruud Romo
2. Best Best & Krieger
3. Dannis Woliver Kelley
4. Liebert Cassidy Whitmore
5. Lozano Smith
6. Stutz Artiano Shinoff & Holtz

#### FISCAL IMPACT/ACCOUNT

Not to Exceed Various Amounts; Account No. 1-45730-664000-000 (General Fund)

##### File Attachments

[Agreement with Atkinson Andelson Loya Ruud Romo Proposal RFP 135.pdf \(1,254 KB\)](#)

[Agreement with Best Best Krieger Proposal RFP 135.pdf \(1,197 KB\)](#)

[Agreement with Dannis Woliver Kelley Proposal - RFP 135.pdf \(1,668 KB\)](#)

[Agreement with Liebert Cassidy Whitmore Proposal RFP 135.pdf \(4,078 KB\)](#)

[Agreement with Lozano Smith Proposal RFP 135.pdf \(1,386 KB\)](#)

[Agreement with Stutz Artiano Shinoff Holtz Proposal RFP 135.pdf \(1,691 KB\)](#)

[Award of RFP 135 - General Counsel and Other Legal Services.pdf \(548 KB\)](#)

#### **Subject E. Ellucian Colleague Optimization Agreement**

Meeting Dec 12, 2012 - GB Regular Meeting

Category 21. APPROVAL OF AGREEMENTS - COST TO DISTRICT

Type Action

Recommended Action Approve Agreement No. A3644.12 with Ellucian, Inc., for software, software maintenance and services, for the period January 14, 2013 to January 13, 2015 inclusive, in an amount not to exceed \$909,329 for software and services and \$82,825 for annual maintenance.

SUBMITTED BY: Melinda Nish, Ed.D., Superintendent/President

INITIATED BY: Ben Seaberry, Ed.D., Director of Institutional Technology and Chief Information Officer

#### OVERVIEW

K. HR Classified: Employment of Classified Personnel - Jonathan Higa

L. HR Classified: Ratify Change(s) In Contract Service

M. HR Classified: Ratify Resignations/Retirements

N. Faculty Emeritus Status List

O. HR Classified: Classified Transactions

## **19. FACILITIES**

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A. Notice of Completion - Bid No. 187

Motion: Stewart; Second: Nader (Carried)

Ayes: Hernandez, Nader, Stewart, Valladolid, Espinoza (Student Advisory Vote)

Abstain: Peraza

## **20. RATIFICATION OF AGREEMENTS – COST TO DISTRICT**

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A. Agreement with Blanning & Baker Associates, Inc.

Motion: Hernandez; Second: Valladolid (Carried)

Ayes: Hernandez, Nader, Peraza, Stewart, Valladolid, Espinoza (Student Advisory Vote)

## **21. APPROVAL OF AGREEMENTS - COST TO DISTRICT**

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A. First Lease Extension with Kuiper Building

B. Agreement with ByteSolutions, Inc.

C. Agreement with LexisNexis

## D. Agreements with Firms for Legal Services for Governing Board Approved Attorney List

### Item 21D

Leslie Devaney, Stutz Artiano Shinoff & Holtz, conveyed her firm's interest to serve as General Counsel. She stated she was looking forward to reference checks to be conducted for her firm.

Motion to Postpone to allow staff to conduct reference checks: Nader; Second: Valladolid

Nader suggested that the District's past experience with Stutz Artiano Shinoff & Holtz be considered. Nish clarified that there the agenda item contained two actions needed from the Board: 1) Approve the attorney list, 2) General Counsel; additionally, the Board needed to determine a Special Counsel to be selected from the approved list. She asked that the Board consider splitting the action.

Nader revised motion to approve list of six recommended firms and postpone recommendation of General Counsel. Valladolid accepted revised motion as second.

Nish clarified that reference checks were conducted for the recommended firm only. After Board discussion of the process and consideration of conducting reference checks, Valladolid withdrew her second, and the motion failed due to lack of a second.

Motion to approve as presented: Stewart; Second: Valladolid (Carried)

Ayes: Hernandez, Peraza, Stewart, Valladolid, Espinoza (Student Advisory Vote)

Noes: Nader

## E. Ellucian Colleague Optimization Agreement

# **22. RATIFICATION OF AGREEMENTS - NO COST/INCOME**

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A. Agreement with Family Health Centers of San Diego

B. Extension No. 2 to Agreement with the San Diego Community College District

C. Agreement with County of Imperial

# **23. APPROVAL OF AGREEMENTS - NO COST/INCOME**

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