



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: May 31, 2023

Department: District Attorney Agenda Planning Date: 5/18/2023 Time required: 5

Audio/Visual aids

Contact: Toby Giddings Phone: x5047

Department Head Signature:

TITLE Consider approval of a Class Special Procurement to award a Student Internship Agreement for Law Student Work Study Programs to public and private law schools

Issue, Description & Background
Marion County District Attorney's Office (MCDAO) needs to use the services of law students to assist in achieving its mission and goals. Law Students serve as support to lawyers, investigators, and staff. Law students are an integral part of MCDAO, without which we would be unable to provide our current level of services to the victims and people of Marion County.

The County proposes a direct award contract or IGA with any law school which has law students in the area of the MCDAO that wishes to participate in the Law Student Work Study Program. Any law school wishing to participate can reach out to Marion County at PO_Contracts@co.marion.or.us during the active period of this Special Procurement to begin the process of negotiating a direct award contract.

Financial Impacts: Expected expenditure of \$85,000 a year.

Impacts to Department & External Agencies Provides support and resources to DDAs, staff and partners by processing intake and assisting with projects, trial preparation, motions, expungements and other important duties. Provides the students with important training and mentorship as they prepare for their career in prosecution while assisting our office with heavy workloads.

Options for Consideration:
1. Approve the Class Special Procurement to award a Student Internship Agreement for Law Student Work Study Programs to public and private law schools
2. Deny the Class Special Procurement
3. Take no action at this time

Recommendation: 1. Approve the Class Special Procurement to award a Student Internship Agreement for Law Student Work Study Programs to public and private law schools

List of attachments: Board Order
Exhibit A Findings

Presenter: Toby Giddings and Pami Guerra

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Copies to:

Zugey Luna - zuluna@co.marion.or.us

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the matter of granting a Class)
Special Procurement to award a Student)
Internship Agreement for Law Student)
Work Study Programs Pursuant to)
Marion County Public Contracting Rules)

ORDER NO. _____

This matter came before the Marion County Board of Commissioners, acting as the Marion County Contract Review Board (Board), at its regularly scheduled public meeting on Wednesday, May 31, 2023.

WHEREAS, the board finds that Marion County District Attorney’s Office requests for approval of a special procurement, pursuant to Section 20-285, which shall be approved by the Board under ORS 279B.085; and

WHEREAS, ORS 279B.085 allows the Board to approve a written request submitted and its use must be justified in accordance with public contracting code and Marion County Public Contracting Rules; and

WHEREAS, in the District Attorney’s Office has developed the Law Student Work Study Program, to assist in achieving its mission and goals; and

WHEREAS, the District Attorney’s Office seeks to engage law schools both public and private to provide law students the Law Student Work Study Program; and

WHEREAS, the Findings, attached as Exhibit A, must establish that awarding public and private law schools is unlikely to encourage favoritism or diminish competition, or promote the public interest in a manner not practically realized by complying with the county’s public contracting rules; and

WHEREAS, the Board has received justification and testimony during the properly noticed period before consideration of a Class Special Procurement request on May 31, 2023 and finds the need to award both public and private law schools a Student Internship Agreement for Law Student Work Study Programs is justified and consistent with the Marion County Public Contracting Rules is in the county’s best interest to do so; now, therefore;

IT IS HEREBY ORDERED that the Board adopts the findings attached hereto as Exhibit A and grants a Class Special Procurement to the District Attorney’s Office to enter into a Student Internship Agreement for Law Student Work Study Programs.

DATED this 31st day of May 2023.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Original: Clerk

cc: BOC

Finance Contracts

Attachments:

Exhibit A – Special Procurement



PUBLIC NOTICE

DA1368-23

for

Law Student Work Study Program

Release Date: **April 24, 2023**

Response Due Date: **May 1, 2023, 2:30 PM**

Submit questions and responses via the Marion County Procurement Collaboration Portal

<https://contracts-marioncountygcc.msapproxy.net/gateway/>

Instructions are listed in Section 6

Electronic copies of this RFP and attachments, if any, can be obtained from the Marion County Procurement Collaboration Portal at the URL listed above

1. INTRODUCTION

Marion County District Attorney's Office (MCDAO) proposes a direct award contract or IGA with any law school which has law students in the area of the MCDAO that wishes to participate in the Law Student Work Study Program. Any law school wishing to participate can reach out to Marion County at PO_Contracts@co.marion.or.us during the active period of this Special Procurement to begin the process of negotiating a direct award contract.

2. BACKGROUND

Located in the heart of the Mid-Willamette Valley, Marion County has a population of 347,818, stretches from the Willamette River to the Cascade Mountains, and encompasses nearly 1,200 square miles. Marion County has 20 cities, including the Oregon's capital, Salem. The Marion County government organization is headed by an elected Board of Commissioners and has 15 departments, seven of which are headed by elected officials.

Since 1995, MCDAO has contracted with Willamette University Law School in the form a Law Student Work Study Program. Due to the value of this engagement, procurement statutes and rules require that a formal solicitation process be conducted prior to the establishment of this type of contract in the future.

3. PURPOSE

The purpose this Notice is to provide public notice of the Request for Special Procurement.

4. REQUEST FOR SPECIAL PROCUREMENT

See the attached Request for Special Procurement No. DA1368-23.

5. REQUEST

Submit a response to this Notice if you wish to provide written comment or a protest to this Request for Special Procurement.

Comments or protests are to be submitted through the Marion County Procurement Collaboration Portal.

All letters of protest shall clearly identify the reasons and basis for the protest. The Contracts and Procurement Manager will issue a written disposition in a timely manner.

6. RESPONSE INSTRUCTIONS

A. Log Into the Procurement Collaboration Portal

- i Go to the Marion County Procurement Collaboration Portal which can be found at:
<https://contracts-marioncountygcc.msapproxy.net/gateway/>
- ii Sign In or Create an Account
- iii Creating an account MUST be completed 15-30 minutes before files will be able to be submitted through the portal.

B. Solicitations Tab

- i At the top of the page, hover over Solicitations
- ii Select Search All Solicitations
- iii Click View next to the applicable solicitation

C. Opportunity Details

- i **Viewing Documents** – Scroll down the page to the Files, Documents, Images section, Public Files: subsection. Here you will find all of the relevant files.
- ii **Submitting a Question** – If you would like to submit a question, scroll down the page to the Questions & Answers section. Type your question in the My Questions/Answers text box and click the Ask Question box.
- iii **Register as Respondent** - If you are interested in responding to the posting, click the button Register as Respondent on the left side of the screen.

- iv ***Submitting Documents*** – If you would like to submit a response to this posting, scroll down the page to the Files, Documents, Images section, My Files: subsection. Here you will Select a file, select a File Category, and type a description before clicking the Save File button.
- v ***Response Status*** – Once you have registered as a respondent and submitted documents, scroll to the bottom of the page to the Response Status section and select the appropriate status for your submission, then click Submit.

7. PUBLIC RECORDS

Respondents should be aware that any records they submit to the County shall become the property of the County and a public record, subject to public disclosure as provided under Oregon's Public Records Law.

The County shall take reasonable measures to hold in confidence all such labeled information but shall not be liable for release of any information when required by law or court order to do so, whether pursuant to the Oregon Public Records Law or otherwise and shall also be immune from liability for disclosure or release of information under the circumstances set out in ORS 646.473(3).

In submitting a response, each respondent agrees that the County may; (a) reveal any trade secret or other confidential materials contained in the proposal to County staff and to any outside consultant or third party who is hired by the County and (b) post the response on the County's intranet for purposes related to its evaluation. Furthermore, each proposer agrees to indemnify and hold harmless the County and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the respondent has designated as a trade secret and/or as confidential information. Any respondent that designates its entire response as a trade secret may be disqualified.

8. DISCLAIMER

This Notice is issued solely for determining findings to support a Request for Special Procurement; it does not constitute a solicitation. There will not be an evaluation or scoring of the material submitted. No information received in response to this Notice will be returned. Responses to this notice are not an offer and cannot be accepted by the County to form a binding contract. Respondents will not necessarily be notified the result of this Notice, or future solicitation opportunities.

REQUEST FOR SPECIAL PROCUREMENT No. DA1368-23

Date of Request: April 12, 2023
Department Name: District Attorney's Office
Contact Name: Toby Giddings
Type of Request: Class Special Procurement
 Contract-specific Special Procurement
Time Period Requested: From: April 24, 2023
To: May 31, 2028
Total Estimated Cost: \$500,000.00 over 5 years

Supplies and/or Services to be Acquired:

Law Student Work Study Program:

Request, Background and Proposed Contracting Procedure:

a. Request:

Marion County District Attorney's Office (MCDAO) needs to use the services of law students to assist in achieving its mission and goals. Law Students serve as support to lawyers, investigators, and staff. Law students are an integral part of MCDAO, without which we would be unable to provide our current level of services to the victims and people of Marion County.

b. Background:

Since 1995, MCDAO has contracted with Willamette University Law School in the form a Law Student Work Study Program. Due to the value of this engagement, procurement statutes and rules require that a formal solicitation process be conducted prior to the establishment of this type of contract in the future.

c. Proposed Contracting Procedure:

The County proposes a direct award contract or IGA with any law school which has law students in the area of the MCDAO that wishes to participate in the Law Student Work Study Program. Any law school wishing to participate can reach out to Marion County at PO_Contracts@co.marion.or.us during the active period of this Special Procurement to begin the process of negotiating a direct award contract.

Justification for use of Special Procurement: Describe the circumstances that justify the use of a Special Procurement. Attach relevant documentation.

The County seeks a way to engage law schools to provide law students for a Law Student Work Study Program. A Special Procurement method has been selected as none of the other six statutory methods are feasible. This method has been designed to be inclusive of all law schools who wish to participate.

Findings to Satisfy the Required Standards: This proposed special procurement:

(a) will be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts because:

This procurement method offers an award to any law school who can provide the services requested. Multiple awards can be made, and awards can be made at any time during the duration of the Special Procurement.

and

(b)(ii) will otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the requirements of ORS 279B.055, 279B.060, 279B.065, or 279B.070, or any rules adopted thereunder because:

MCDAO is seeking law students to assist in the meeting of its mission and goals and is proposing a method that is open and fair to any qualifying entity that wishes to participate. Conducting a Competitive Sealed Bid (ORS 279B.055) would not satisfy our need as we are not in a situation where we are seeking a lowest bid. Competitive Sealed Proposal (ORS 279B.060) would not satisfy our need as we are not in a situation where we are seeking a best value solution. Small and Intermediate Procurements (ORS 279B.065 & 070) are not feasible as this need is above the threshold for those methods.