

**REQUEST FOR PROPOSALS to the Independent Legislative Ethics Commission
for the State of Utah for Executive Director to the Independent Legislative Ethics
Commission, 2010-A**

ADDENDUM 1

Addendum Date: November 16, 2010

ITEM 1:

Question:

A question has arisen regarding the extent of the indemnification provision in the contract attached to the RFP.

Answer:

We are willing to entertain reasonable changes to this provision with the successful responder to the RFP. We do not intend for the responder to be responsible for the actions or negligence of persons over whom the responder does not have control, but it is essential that the COMMISSION be protected from liability due to the actions or negligence of the responder and those persons over whom the responder has control (i.e. responder's employees and subcontractors). We are also willing to consider reasonable limits on liability, with respect to indemnification, for insurance purposes.

ITEM 2:

Question:

"[T]he document indicates this is not full time, but does not indicate how often the commission will be meeting, any history of the number of claims, reported incidences, or even indicates how many existing incidences will be carried over to the new commission."

Answer:

Absent the receipt of any ethics complaints, it is anticipated that the COMMISSION will meet no more often than quarterly.

The COMMISSION is a new entity. Complaints were formerly handled by the Legislature's Ethics Committee. During the last ten years, three formal complaints were received by the Ethics Committee, all in 2008. One was dismissed for lack of jurisdiction, because the legislator against whom the complaint was filed resigned from office before the matter could be adjudicated. Another was dismissed without a formal adjudication. A third complaint received a full adjudication. Following the adjudication, the Ethics Committee concluded that an ethics

violation had not occurred. There are no complaints pending before the COMMISSION at this time.

ITEM 3:

Question:

"You have not indicated the anticipated size of staff you are budgeting or planning for, where they are to be located and how you want interaction to occur. We expect you will want us to provide this staff and its supervision."

Answer:

Your assumption is correct. All staff support will be provided by the EXECUTIVE DIRECTOR, who may employ any additional staff that the EXECUTIVE DIRECTOR determines is necessary in order to provide the services required by the contract. Any additional staff employed by the EXECUTIVE DIRECTOR will be employed directly by, and under the direction of, the EXECUTIVE DIRECTOR, in the EXECUTIVE DIRECTOR's capacity as an independent contractor. All compensation, benefits (if any), and taxes for these employees or, if applicable, subcontractors will be the responsibility of the EXECUTIVE DIRECTOR. The responder should take this into account when proposing the amount to charge the COMMISSION for the services of the EXECUTIVE DIRECTOR. The COMMISSION will not pay any amount to the EXECUTIVE DIRECTOR other than the amount agreed to in the contract. Office space will not be provided for the EXECUTIVE DIRECTOR or staff of the EXECUTIVE DIRECTOR. The EXECUTIVE DIRECTOR will provide services to, and be answerable to, the COMMISSION.

ITEM 4

Question:

"We would also like to know who is providing the training, and/or education of the Commission Members so they will also be aware of the ethics they will be bound by in conducting their business as members? Will they also have insurance for Misfeasance? Or will this training also be the Administrators responsibility? And would anyone be able to control what the content of the training can include?"

Answer:

The training will be the responsibility of the EXECUTIVE DIRECTOR, under the direction of the COMMISSION. The EXECUTIVE DIRECTOR is responsible for misfeasance by the EXECUTIVE DIRECTOR and the EXECUTIVE DIRECTOR's employees and subcontractors. The EXECUTIVE DIRECTOR is not responsible for misfeasance by the COMMISSION or members of the COMMISSION, unless the misfeasance is the fault of the EXECUTIVE DIRECTOR.