
REQUEST FOR PROPOSALS
to
The Independent Legislative Ethics Commission

Issued by:
The Independent Legislative Ethics Commission
for the State of Utah



Executive Director to
the Independent Legislative Ethics Commission

2010-A

I. RFP CONTACT

The Independent Legislative Ethics Commission ("COMMISSION") is the issuer of this RFP and all subsequent addenda to this RFP. Inquiries regarding this RFP should be directed, in writing, to:

Thomas Vaughn
Associate General Counsel
Office of Legislative Research and General Counsel
Utah State Capitol Complex
P.O. Box 145210
Salt Lake City, Utah 84114-5210

Email: tomvaughn@utah.gov

II. DEFINITIONS

As used in this RFP:

1. "COMMISSION" means the Independent Legislative Ethics Commission for the state of Utah.
2. "EXECUTIVE DIRECTOR" means the executive director to the COMMISSION.
3. "LEGISLATURE" means the Utah State Legislature, its members, staff, staff offices, and all employees and agents of the Utah State Legislature and of its staff offices.
4. "COMMISSION MEETING" includes all meetings, hearings, and proceedings of the COMMISSION.
5. "MSDST" means Mountain Standard Daylight Savings Time.
6. "MST" means Mountain Standard Time.
7. "RFP" means this 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."

III. PURPOSE OF REQUEST FOR PROPOSALS

The purpose of this RFP is to enter into a contract with a qualified person or entity to act, as an independent contractor, in the position of EXECUTIVE DIRECTOR to the COMMISSION.

IV. IDENTIFICATION FOR EXECUTIVE DIRECTOR

- Independent contractor
- Administrative duties
- Ethics proceedings, hearings and other duties, on an as-needed basis
- Not an employee of the COMMISSION, the LEGISLATURE, the state of Utah, or any other public person or entity
- No benefits
- Part-time workload, as needed
- Responsible for own tax reporting, withholding, and payment
- Reimbursement to be determined by RFP process
- Non-exclusive contract

V. GENERAL INFORMATION

The COMMISSION was created during the 2010 General Legislative Session. The appointed five member COMMISSION will meet for the purpose of reviewing ethics complaints against legislators, and may conduct hearings, and issue subpoenas. A proposed amendment to the Utah Constitution will be before the electorate in November 2010, which, if adopted, will establish the constitutional status of the COMMISSION.

VI. DUTIES OF EXECUTIVE DIRECTOR

The duties of the EXECUTIVE DIRECTOR are as follows:

1. CHIEF ADMINISTRATOR

Work, under the direction of the COMMISSION, as the chief administrator for the COMMISSION.

2. GENERAL ADMINISTRATIVE DUTIES

- Maintain COMMISSION website
- Analyze, prepare, maintain, and execute COMMISSION's budget
- Conduct purchasing for the COMMISSION
- Collect and disseminate statistical data and program summaries
- Direct internal affairs of the COMMISSION to ensure efficient operation of the COMMISSION
- Ensure that the COMMISSION complies with all constitutional, statutory, and legislative mandates
- Track and analyze COMMISSION data
- Create, modify as necessary, and maintain systems for monitoring data
- Develop and maintain privacy and security safeguards for data

- Receive, manage, and draft COMMISSION correspondence
- Custodian of records for the COMMISSION
- Properly classify records under the Government Records Access and Management Act
- Respond to public records requests
- Prepare COMMISSION agenda and materials
- Prepare annual report of the COMMISSION
- Ensure compliance with deadlines and with due process rights of parties
- Draft findings, decisions, and orders of the COMMISSION

3. POLICIES AND RULES

- Assist the COMMISSION in formulating and implementing COMMISSION policies and in recommending rules to be adopted by the Utah Legislature relating to the COMMISSION
- Assist the COMMISSION in formulating and implementing policies relating to COMMISSION MEETINGS
- Recommend changes to COMMISSION policies and to legislative rules relating to the COMMISSION
- Assess how casework should flow through the COMMISSION
- Analyze and innovate COMMISSION policies
- Develop and implement tactical plans resulting in more efficient operation of the COMMISSION

4. COMMISSION MEETINGS

- Arrange and schedule COMMISSION MEETINGS, including location and time
- Provide public and other legal notice of COMMISSION MEETINGS
- Attend and record COMMISSION MEETINGS
- Ensure compliance with the Open and Public Meetings Act
- Assist in the conduct of COMMISSION MEETINGS
- Produce written minutes of COMMISSION MEETINGS
- Prepare and serve subpoenas
- Draft documents relating to COMMISSION MEETINGS

5. ETHICS COMPLAINTS

- Receive complaints
- Create and maintain case files
- Promptly notify COMMISSION members of the receipt of complaints
- Provide copies of complaints to COMMISSION members
- Prepare case documentation

- Review and track complaints
- Ensure adherence to all relevant deadlines
- Assist the COMMISSION in making determinations regarding jurisdiction
- Determine and provide legally required notice
- Thoroughly investigate complaints, including:
 - gathering facts and documents
 - interviewing witnesses
- Present investigation results to the COMMISSION
- Ensure compliance with policies, rules, law, and due process requirements
- Conduct and present research of ethics questions
- Provide guidance on legal requirements and procedures relating to ethics complaints, proceedings, and questions
- Ensure that the COMMISSION follows required and proper procedures
- Make recommendations to the COMMISSION regarding commission action and decisions

6. OTHER DUTIES

- Provide administrative and technical support to the COMMISSION
- Responsible for day-to-day operations of the COMMISSION
- Serve as liaison between the COMMISSION and other persons or entities
- Recommend appropriate changes to statutes, legislative rules, and COMMISSION policies
- Develop and recommend changes in forms distributed by the COMMISSION to improve the clarity of information presented to the public and to improve the usefulness of the information
- Properly apply privacy, confidentiality, and conflict of interest principles and procedures

VII. QUALIFICATIONS

The EXECUTIVE DIRECTOR must:

- Have a law degree, a Masters of Public Administration, or equivalent experience.
- Have sufficient knowledge and expertise to enable the EXECUTIVE DIRECTOR to fulfill the duties described in Section VI.
- Have the ability to understand, analyze, and organize a large amount of information in a short time.
- Be familiar with, and have the ability to determine and understand, the management, operation, and function of the COMMISSION and the legal

requirements relating to the COMMISSION.

- Be familiar with, and comply with, the law governing the COMMISSION and the laws governing the state of Utah.
- Have the ability to apply general principles of ethics to multi-faceted circumstances in order to complete assignments
- Have the ability to independently perform all duties described in Section VI.
- Be familiar with the general principles of legislative ethics found in the Utah Constitution, statute, rule, and case law.
- Be familiar with budget requirements, Utah procurement law, the Open and Public Meetings Act, and the Government Records Access and Management Act.
- Have the ability to apply knowledge of case management systems and complex legal and ethical concepts.
- Understand and apply privacy, confidentiality, and conflict of interest principles.

VIII. ANTICIPATED TIMELINE

It is anticipated that the following timeline will be followed with respect to this RFP and the resulting contract:

- RFP Opening Date: November 1, 2010, at 10:00 a.m., MSDST
- Final Date for Submission of Questions: November 12, 2010, at 3:00 p.m., MST
- Final Date for Addenda to RFP: November 16, 2010, at 5:00 p.m., MST
- RFP Closing Date: November 29, 2010, at 3:00 p.m., MST
- Opening of Responses to RFP: November 30, 2010, at 10:00 a.m., MST (Utah State Capitol Complex, Senate Building Room 250, Salt Lake City, Utah)
- Interview of Final Applicants: December 7, 2010, at 10:00 a.m., MST
- Recommendation for award of Contract: December 14, 2010, at 10:00 a.m., MST

IX. SUBMISSION OF PROPOSALS

1. SUBMISSION TIME, PLACE, AND MANNER

Five written copies of the proposal and one electronic copy (in PDF format) must be received at the following address on or before November 29, 2010, at 3:00 p.m., MST:

Thomas Vaughn
Associate General Counsel
Office of Legislative Research and General Counsel
Utah State Capitol Complex
P.O. Box 145210
Salt Lake City, Utah 84114-5210

Email: tomvaughn@utah.gov

2. LATE SUBMISSIONS

Proposals received after November 29, 2010, at 3:00 p.m., MST will not be considered.

X. ORGANIZATION OF PROPOSAL

The proposal must include the following information and must be organized in the following order:

1. PROPOSER INFORMATION

The first page of the proposal must include the following information, in the following format:

a. Title: "Response to RFP for Executive Director to the Independent Legislative Ethics Commission, 2010-A."

b. Proposer Summary Information:

Name:

Contact Person:

Address:

Telephone:

Fax:

Email:

c. Description of Organization of the Proposer:

If the responder is an organization, describe the organization, including organizational structure, age of the organization, location of offices, website, experience, and key personnel.

d. List of Owners:

If the responder is an organization, provide a complete list of owners of the organization.

e. References:

List a minimum of five references, including the name of a contact person, name of organization, address, and telephone number. At least three of the references must be able to specifically address the proposer's qualifications and expertise that will enable the proposer to fulfill the requirements and duties described in this RFP.

2. RESUME

Resume of person applying or, if an organization, resumes of each person who will provide services to the COMMISSION as described in this RFP.

3. DETAILED RESPONSE

This section constitutes the major portion of the proposal and must include the following information:

- a. A complete narrative of the proposer's assessment of the work to be performed, the proposer's qualifications, experience, and expertise.
- b. A description of the proposer's understanding of the overall purposes and expectations of this RFP.
- c. A clear description of any proposed options or alternatives for accomplishing the purposes and requirements described in this RFP.
- d. A specific point-by-point response to each requirement of this RFP and all addenda, in the order the requirement is listed in this RFP and all addenda, including a statement that the proposer agrees to comply with that requirement. A response to this RFP that fails to clearly respond to, and agree to comply with, each requirement of this RFP and all addenda may be determined to be non-responsive and invalid.

- e. An assessment of, and evidence supporting, the proposer's ability and commitment to accomplish the duties and requirements described in this RFP.

4. PROPOSED BUDGET

The proposed total yearly amount, and any breakdown deemed appropriate by the proposer, that proposer will accept in exchange for fulfilling all requirements and duties described in this RFP. This may include an hourly rate, but must include a maximum amount that proposer will be reimbursed to fulfill the duties and requirements of this RFP, regardless of the actual hours worked in order to fulfill the duties and requirements described in this RFP. This maximum amount represents the total maximum amount of compensation that the proposer will receive in exchange for fulfilling the requirements and duties described in this RFP, including all direct or incidental costs and expenses incurred by the proposer, regardless of the workload, which can fluctuate greatly depending on the number and complexity of ethics complaints filed with the COMMISSION.

5. CONFLICTS

The proposer shall include a signed statement indicating that the proposer has no relationship with any person or entity that would directly or indirectly interfere with fair competition for an award under this RFP or with fulfilling the duties of the EXECUTIVE DIRECTOR.

XI. OTHER REQUIREMENTS

The proposer's name must appear on each page of the proposal. Erasures, cross-outs, alterations, corrections, or other changes must be initialed by the person who signs the proposal. The proposal must contain evidence that the person who signs the proposal is authorized to bind the proposer to fulfill the proposal and to conduct negotiations and discussions relating to the proposal on the proposer's behalf.

XII. CONTRACT

The successful proposer will be required to enter into the contract attached to this RFP as Attachment "1." The contract will be modified prior to execution of the contract to include the name of the successful proposer, specific details relating to the proposer and the proposer's response to this RFP, and correct dates and times.

XIII. PROPOSAL AND PRICE GUARANTEE PERIOD

Each proposal submitted in response to this RFP and the budget included in that proposal are binding on the proposer from the date and time of the closing of this RFP until the later of 60

days after the day on which the RFP closes, or, if the proposer's proposal is accepted, upon completion of the services that the proposer is required to provide under this RFP and the attached contract.

XIV. INTERVIEWS

Depending on the number of RFP responses received, the COMMISSION will conduct interviews of some or all of the RFP responders. Each responder who is interviewed will, at the responder's expense, appear at a meeting of the COMMISSION to make an oral presentation of, and answer questions regarding, the responder's response to this RFP. The meeting for these presentations/interviews is currently scheduled for December 7, 2010, at 10:00 a.m., MST, at the Utah State Capitol Complex.

XV. QUESTIONS

Questions, requests for changes to this RFP, and requests for clarification must be submitted by email to tomvaughn@utah.gov on or before November 12, 2010, at 3:00 p.m., MST. Responses to substantive questions, responses to requests for clarification, and responses to requests for changes will be provided in the form of an addendum to this RFP.

XVI. ADDENDA

All addenda to this RFP will be posted on the Utah Legislature's website at:

<http://le.utah.gov>

Addenda and notifications of addenda are not required to be provided in any other manner. All proposers, potential proposers, and other interested persons are required to check the website on a regular basis in order to receive notice of, or a copy of, any addendum.

The COMMISSION may attempt to, but is not required to, provide email notification of an addendum to any person who sends a request to receive notification to:

tomvaughn@utah.gov

Each proposer is required to acknowledge receipt of each addendum by email to:

tomvaughn@utah.gov

XVII. PROTECTED INFORMATION

Protection or disclosure of information submitted in response to this RFP is governed by Title 63G, Chapter 2, Government Records Access and Management Act. A proposer who desires to

request protected status of any information submitted in the proposer's response to this RFP must specifically identify the information that it desires to protect and the reasons that the information should be afforded protected status under the law. In making this request, the proposer shall comply with the requirements of Utah Code Section 63G-2-305, Utah Code Section 63G-2-309, and all other applicable requirements of law. The COMMISSION's decision regarding the protected status of information shall be final and binding on the proposer. Each proposer will indemnify, defend, and hold forever harmless the Utah Legislature, its members, offices, and staff from any and all liability relating to the disclosure of information included in the proposer's response to this RFP, even if the proposer requested protected or other confidential status for the information.

XVIII. MODIFICATIONS TO, OR WITHDRAWAL OF, PROPOSAL

1. PROCEDURE

A proposer may modify or withdraw the proposer's response to this RFP at any time before the closing date and time of this RFP, by providing a written modification or a written statement withdrawing the proposal to the COMMISSION. Except as provided in Section XVIII.2, modifications or letters of withdrawal received by the COMMISSION after the closing date and time for this RFP will be rejected as invalid. Except as provided in Section XVIII.2, the version of a response to this RFP, as it exists at the closing date and time of this RFP, will be binding on the proposer.

2. EXCEPTION

Discussions may be conducted with offerors (proposers) who submit proposals determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions. Pursuant to Utah Code Subsection 63G-6-408(5)(b), ". . . revisions may be permitted after submissions and before the contract is awarded for the purpose of obtaining best and final offers." Pursuant to Utah Code Subsection 63G-6-408(5)(c), "[i]n conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors." Revisions to proposals after the closing date and time of this RFP may only be permitted by written permission of the RFP contact. Each proposer will receive equal treatment. If the COMMISSION decides to enter into discussions with proposers after the closing date of this RFP, but before award of the contract, the COMMISSION will inform each proposer who submitted a timely, valid proposal of the schedule for these discussions and procedures for submission of a revised proposal.

XIX. COST OF RESPONDING TO RFP AND CONTRACT NEGOTIATIONS

All expenses relating to responding to this RFP, including, but not limited to, preparing, submitting, and presenting a proposal, attending meetings in relation to this RFP, and all travel,

dining, lodging, and communication expenses will be borne by the proposer. Neither the COMMISSION, the LEGISLATURE, nor the state of Utah assume any liability for any costs incurred by a proposer in responding to this RFP.

All expenses of the successful proposer relating to conducting contract negotiations, including, but not limited to, drafting, research, legal review, preparation, attending meetings, travel, dining, lodging, and communication expenses will be borne by the proposer. Neither the COMMISSION, the LEGISLATURE, nor the state of Utah assumes liability for any costs incurred by a proposer relating to contract negotiations.

Proposer will not bill the COMMISSION, the LEGISLATURE, or the state of Utah for any expense incurred prior to the time that the contract is signed by all parties.

XX. RESEARCH REGARDING PROPOSER

The COMMISSION reserves the right to conduct a background check of each person or entity that may assist in providing services under a response to this RFP, to determine the person's fitness and qualifications to fulfill the requirements of this RFP. The COMMISSION may reject any response to this RFP that involves services from a person or entity that the COMMISSION determines is unfit or unqualified to fulfill the requirements of this RFP. Upon request by the COMMISSION, proposer shall obtain, at proposer's expense, a criminal background check from the Utah Department of Public Safety, Bureau of Criminal Investigation for the proposer, each officer of the proposer, and each person associated with the proposer who will perform the work described in this RFP. Proposer will provide the COMMISSION with the results of each criminal background check obtained at the request of the COMMISSION.

XXI. PROPOSAL EVALUATION CRITERIA

The COMMISSION will evaluate each response to this RFP and will award the contract. The COMMISSION will evaluate each proposer and each response to this RFP based on the following factors:

Points	Criteria
70	The qualifications, level of expertise, and experience of the proposer that will enable the proposer to most effectively fulfill the duties and requirements of this RFP.
30	Cost (taking into account any hourly rate), retainer (if any), and the maximum amount that will be charged (regardless of the workload).

XXII. MISCELLANEOUS RESERVATION OF RIGHTS

The COMMISSION reserves the right to not award a contract to any of the proposers who respond to this RFP, to cancel this RFP at any time, or to issue a new RFP for the same or similar services. The COMMISSION reserves the right to reject and not consider any response to this RFP that does not strictly comply with the requirements of this RFP or with the requirements of law.

XXIII. RESTRICTIONS ON PUBLICITY

The successful proposer may not make any announcement regarding the award of the contract relating to this RFP without the prior written approval of the COMMISSION. Except as specifically authorized in the contract, the successful proposer may not refer to the COMMISSION or the LEGISLATURE or use any data, pictures, or other representation of the COMMISSION or the LEGISLATURE in its advertising, marketing, or other promotional efforts.

XXIV. DEVIATIONS AND EXCEPTIONS

The proposer shall describe, in writing, any deviations or exceptions from the requirements, terms, and conditions of this RFP. This description shall be in a separate document that is attached to the proposer's response to this RFP and is signed by the proposer or the proposer's authorized agent. In the absence of such a document, the proposal shall be interpreted to agree to the requirements, terms, and conditions of this RFP and the proposer shall be held liable for any deviations from the RFP.

XXV. FINAL APPROVAL

After the COMMISSION recommends award of the contract to a responder, the final decision regarding award of the contract will be made by the Legislative Management Committee. A responder who is selected for potential award of the contract will, at the responder's expense, appear at a meeting of the Legislative Management Committee to address the committee and answer questions.