



Request for Proposals

Date Released: August 26, 2021

Closing Time and Date: September 17, 2021 at 5:00pm Pacific time

Services Requested: Outside Counsel Legal Services

Planned Term of Contract: October 1, 2021 to June 30, 2025 (with opportunities available to negotiate annual renewals)

Scope of Project: The Big West is seeking proposals from qualified and experienced outside legal counsel to address legal matters as described in section 1.3 below. Please read the entire document carefully before submitting your proposal.

SECTION ONE - GENERAL

1.1 Notice

Information provided in this request is confidential and is to be used only for the purposes of preparing a proposal detailing the scope and cost of providing Legal Counsel to The Big West.

The Big West reserves the right to accept, reject or negotiate any or all proposals for any portion thereof. Price shall not be sole criteria for selecting a law firm. Scope of available services, experience with similar clients, and references of the prospective legal firms shall also be considered.

The Big West may request additional information from any respondent during the evaluation of qualifications and terms. Nothing contained herein shall be construed as an offer for services. This request for proposals does not obligate The Big West to contract for any services. Respondents will not be reimbursed for any costs incurred in the preparation, submission, or negotiation of proposals.

Information contained herein is believed to be accurate, but is not to be considered a warranty. Request for additional information clarifying the specifications should be directed via email to Dan Butterly, Commissioner, at dbutterly@bigwest.org, with a copy to Kristi Giddings, Senior Associate Commissioner for Governance and Legal Affairs, at kgiddings@bigwest.org.

1.2 Background Information

The Big West is an NCAA Division I member conference with 11 members with the shared goal of empowering every student-athlete in competition and in life and uniting its university

communities through championship experiences. Formed in 1969, The Big West membership consists of Cal Poly, CSU Bakersfield, Cal State Fullerton, CSUN, Hawai'i, Long Beach State, UC Davis, UC Irvine, UC Riverside, UC San Diego, and UC Santa Barbara. The Big West is united in the pursuit of boundless opportunities, enduring integrity, bold activism, fearless innovation, and the pacific spirit of freedom, exploration, and progress.

The Big West sponsors 18 sports at the NCAA Division I level: baseball, softball, men's and women's basketball, men's and women's volleyball, women's beach volleyball, men's and women's cross country, men's and women's golf, men's and women's soccer, men's and women's tennis, men's and women's track and field, and women's water polo.

For more information, visit BigWest.org or follow The Big West on Twitter @BigWestSports.

1.3 Scope of Services

The Big West is requesting proposals from qualified and experienced outside legal counsel to address legal matters in the areas identified below:

Litigation and Risk Management

- Anti-trust
- Personal injury
- Insurance matters
- Intellectual property: copyright, trademark
- Contracts
- Public-Private Partnerships
- Labor Relations
- Title IX / EEOC / other compliance laws
- Wage and Hours, including Workers Comp
- Benefits and Retirement
- Employment Termination
- Immigration / Visa / Work Authorizations
- Diversity
- Sponsorship and Licensing
- NCAA Compliance
- Sports law and contracting
- Name, image, likeness

Specifically, The Big West seeks to build a comprehensive panel of reputable, qualified and experienced outside counsel *to engage on an as-needed basis* to assist with legal issues that may arise through Conference operations, or through one of its member institutions, across a wide range of issues.

1.4 General Information

A written Master Agreement will be established between The Big West and any selected attorney or legal firm. Thereafter, at anytime during the term of the Master Agreement, The Big West may engage the attorney or firm on a specific matter.

The Big West's retention of a selected attorney or law firm will be an at-will relationship.

Records, files, data, and legal work product regarding The Big West or one of its member institutions and/or affiliates will remain the property of The Big West and/or its affiliates.

The Big West wants to maintain a solid relationship with Outside Counsel. The Big West will work to timely communicate with Outside Counsel regarding deadlines and expectations, and we expect the same from Outside Counsel. We will work to timely review and pay Outside Counsel invoices, but we also expect them to be closely reviewed by Outside Counsel and timely submitted for payment.

SECTION TWO – PROPOSAL SUBMISSION

2.1 Process Overview

Interested respondents must submit proposals following the procedures described herein. Responses must be received by The Big West no later than the date and time indicated in order to be considered.

Each Respondent must supply a complete and detailed submission, which will allow The Big West to make an informed evaluation of the Respondent. Respondents should carefully read all sections of the RFP, attachments, and appendices, following all instructions and providing all required and requested information.

The Big West reserves the right not to make an award, to make partial awards, or to make multiple awards.

2.2 Method of Submission

In order to be considered responsive to the RFP, respondents must submit all of the information requested by email to Dan Butterly, Commissioner, at dbutterly@bigwest.org, with a copy to Kristi Giddings, Senior Associate Commissioner for Governance and Legal Affairs, at kgiddings@bigwest.org.

2.3 Required Information

Provide typed responses for all requested information, as described below for each section:

- 1) Experience and Qualifications

- Provide a description of why The Big West should select you or your firm as outside legal counsel for the matters described in section 1.3 above. Include references to past experience with the NCAA, The Big West, and/or its affiliates.
 - Identify the areas described in section 1.3 above for which you are applying. Respondents may apply to provide outside legal services in one or more of the areas listed in section 1.3 above. Respondents do not need to apply to all areas of practice identified in the RFP.
 - Identify the lead partner and all other individuals who would be assigned to specific areas of representation.
 - Describe the anticipated division of responsibilities among partners, associates, and paralegals.
 - For each of the individuals identified above, provide qualifications and experience and discuss the relevance of qualifications and experience to specific area(s) of legal services.
 - If any additional firm lawyers may be available for consultation, identify them and their specialized area(s) of expertise.
 - If the firm intends to assign different lead partners or principals for different types of legal issues, please explain and clearly designate.
- 2) Commitment to Diversity
- Provide any documents, data, or other information reflecting the firm's commitment to diversity.
- 3) Fees
- Provide hourly rates for individual attorneys, including methods for calculating any additional fees, expenses, or costs associated with your legal services.
 - Include a description of the detailed manner in which work will be documented.
 - Rates shall remain fixed throughout the initial term of the award. No increases or additions to hourly rates or other quoted charges will be allowed during the initial term of the award.
- 4) References
- Provide the names, address, phone numbers, and contact persons for at least three clients for which similar legal services have been provided and which may be contacted as references.
- 5) Contact Information
- Provide the address and telephone number for the firm's main office and all branch offices that may be involved in providing services to The Big West.
- 6) Conflicts of Interest
- Disclose any existing or potential conflicts of interest of which you are aware that should be considered as a factor in determining the firm's objectivity in representing The Big West in the matters described in section 1.3 above.

2.4 Review Process

The Big West may elect to use one or more committees involving representatives from its member institutions to review and evaluate the information requested sections 2.2, 2.3, and other criteria deemed pertinent to The Big West's decision.

The Big West reserves the right to, but is not under any obligation, to request and require that selected Respondent(s) provide a formal on-site or virtual presentation or interview at a date and time to be determined.

Evaluations and ranking of Respondents are subject to the sole discretion of The Big West, its staff, its member institutions, and any professional evaluators and/or other advisors it may designate. The Big West will make the final determinations related to the submissions, at its sole discretion, as it deems appropriate and to be in the best interests of The Big West.

This RFP process does not commit The Big West to issue an award or to enter into an agreement, or to pay any costs incurred in the preparation of any submission.

2.5 Term of Award

The term of the award resulting from this RFP will be from October 1, 2021 through June 30, 2025, with The Big West having the option to renew annually thereafter.

2.6 Acceptance of Proposal

If selected as a result of this RFP, selected attorney and/or firm agrees that all legal engagements shall be subject to the requirements of California law.

If selected as a result of this RFP, prior to commencement of legal services, selected attorneys and/or firm agrees that it will provide The Big West with proof of professional liability insurance.

If selected as a result of this RFP, selected attorney and/or firm agrees that in the event that its contract award with The Big West ends for any reason (including, but not limited to, expiration, termination, or cancellation), selected attorney and/or firm will cooperate with and provide a smooth and orderly transition to any successor entity that assumes the responsibility in order to ensure minimal disruption and prevent disruption or decline in legal services to The Big West.

The Big West anticipates that it will enter into fully executed agreements with selected attorney(s) and/or firms on or before October 1, 2021.