

MEMORANDUM

TO: Members of the FAMU Board of Trustees

FROM: Elmira Mangum, Ph.D.
President

DATE: July 10, 2015

SUBJECT: Follow up to Board inquiry regarding outside legal services

In response to the Florida A&M University Board of Trustees' (FAMU BOT) inquiry regarding which SUS Institution Boards have outside counsel, the following Universities have responded and indicated they do not have separate or Special Board Counsel: UF, USF, FIU and UWF. They have also noted, as stated herein, that such services are exempt from competitive solicitation.

The FAMU BOT also requested information concerning securing Board Counsel on an as-needed basis. As a procurement matter, a legal services contract may be entered, wherein the attorney/law firm serves as an independent contractor performing specified services as assigned and needed or project specific services for the defined contract period. An hourly rate is customarily assessed for such services.

The authority to procure such contractual services is found in Section 287.059, Florida Statutes, Board of Governors (BOG) Regulations 1.001(7) and 18.001(4)(b), and FAMU BOT Regulation Chapter 6-Purchasing Program.

Pursuant to FAMU BOT Regulation 6.005(11)(k) and BOG Regulation 18.001(6)(d)5, legal services are exempt from competitive solicitation requirements. Nevertheless, good purchasing practices as prescribed in FAMU BOT Regulation 6.005(1), such as obtaining quotes or information can always be employed. Also note FAMU BOT Regulation 6.005(2) states "written approval from the General Counsel of the University is required for private attorney services acquired by the University."

The following process may be used to obtain a firm to provide legal services for the FAMU BOT.

Process

1. Define Scope of Service and Criteria

- a. Work with the Office of Procurement and General Counsel's Office.
- b. See attachments below (attorney services contracts and template for guidance in developing the scope of services and criteria).

- c. Obtain additional criteria from the FAMU BOT including exclusion of firms that are currently suing or have sued the FAMU BOT due to conflict of interest issues and/or other waiver language.
- 2. Establish a timeline**
 - a. Issue a request for information/qualifications (Optional).
- 3. Draft Agreement**
 - a. Scope of Services.
 - b. Term.
 - c. Costs/Price (recommended \$200 per hour).
 - d. Designate Contract Manager (e.g., FAMU BOT chair or designee)
- 4. Submit to FAMU BOT for Approval**

Please advise if additional information is necessary or contact us if we can further assist.