July 20, 2016

Request for Proposal for Legal Services

Reference Number: RFP: RITK2016/17-001

Information about RIT Kosovo™ (A.U.K)

RIT Kosovo is a trademark name deriving from a partnership between American University in Kosovo Foundation Inc. and Rochester Institute of Technology. RIT Kosovo™ (A.U.K) operates in the Republic of Kosovo as the Non-Governmental Organization (NGO) "A.U.K - The American College of Kosova" (previously named "American University in Kosova Foundation", “American University in Kosova Foundation – Prishtina”, “BPrAL American College in Kosova Foundation – Prishtina”) Registration No. 5200074-2, registered under Law No. 04/L-57, Section 9 On Freedom of Association in Non-Governmental Organizations, first registered May 08, 2002, in Prishtina, Kosovo. RIT Kosovo™ (A.U.K) is also supported by the U.S. Organization, “The American University in Kosovo Foundation Inc “, registered in the County of New York, State of New York, as a tax-exempt entity under section 501(c)(3), public charity status 170(b)(1)(A)(vi), Employer Identification Number (EIN) 20-0105596, of the Internal Revenue Code. The mission of the RIT Kosovo™ (A.U.K) is to provide a high quality, English-language university education that will prepare its graduates to become leaders in their professions and communities. RIT Kosovo™ (A.U.K) offers undergraduate in areas which facilitate the development of the economy, society, and democratic institutions of Kosovo and the surrounding region.
Administrative Information

Institutional Contacts and Requirements:
All questions should be submitted via email with the subject heading:

RFP: RITK2016/17-001 – Legal Services

Inquiries will not be accepted by telephone. Questions or inquiries should be sent to info@auk.org. RIT Kosovo™ (A.U.K) abides by the cone of silence which prohibits oral communication between service providers, bidders, lobbyists, and other representatives.

All questions submitted will be answered in an email to all that express interest to bid and published online in the date indicated below.

In order to be considered for the award, all Proposals must be received at the appropriate location by the required time. Any package not received on time at the noted location will be rejected.

Submit one (1) original, and one (1) electronic copy, in PDF format of your submission package (on CD or by email) with the label/title: RITK2016/17-001 – Legal Services to:

Procurement Department,
Str. Shpetim Robaj, n.n. Prishtine, 10000, Republic of Kosovo

Due Date:
Submission must be received no later than August 12, 2016 at 13:00 hrs in the RIT Kosovo™ (A.U.K) procurement office located in Str. Shpetim Robaj, n.n. Prishtine 10000, Republic of Kosovo.

Schedule of RFP Events:
- Request for Proposal Issued - July 20, 2016
- Questions Due - July 29, 2016
- Answers sent to all - August 5, 2016
- Submission Deadline Date - August 12, 2016 at 13:00 hrs
Service Requested

RIT Kosovo™ (A.U.K) is seeking one or more full-service or specialty law firms to work in partnership with the office of the President and other departments on an as-needed basis. It is the goal of this RFP to identify and establish a pool of attorneys and law firms who are pre-approved and available for assignment. The RFP seeks to identify diverse areas of the law. No one firm is expected to satisfy all areas of the law, but a single firm may submit a single response which identifies each area of the law for which they wish to be considered.

The selected law firms shall have a sufficient number of attorneys of the firm licensed to practice law in Kosovo, as well as, when appropriate, attorneys with the specialties identified, so as to assure RIT Kosovo™ (A.U.K) that qualified counsel will be available at all times to represent the Institution within the scope of services requested.

General Services may include, but not limited to:

- Attendance at any Institution’s events and meetings (regular or special) when requested.
- Consultation with and advising the President, officers, employees, and officials of RIT Kosovo™ (A.U.K) on legal matters pertaining to higher education and related specialty matters when requested.
- Advice and assistance to the Institution in the preparation of legal documents, papers, contracts, specifications, waivers, and such other legal drafting as may be required from time to time.
- Negotiations with entities having dealings with RIT Kosovo™ (A.U.K) in legal matters.
- Representation of RIT Kosovo™ (A.U.K) in litigation including all appropriate research, preparation of memoranda, preparation of pleadings, discovery, and court appearances.
- Contract review.
- Review and approval of documents pertaining to temporary and permanent Financing methods and documents relating to Institutional project projects including tax-free issues and alternative financing methods.
- Provide services relating to acquisition of land for, or the development of, any project.
- Prepare contracts of sale, disposition agreements, and other related documents.
- Prepare and/or review partnership documents, management, regulatory, development, and other agreements related to Institution’s projects.
- Analyze, investigate and research matters related to the regulatory, programmatic, contractual and fiduciary duties, functions and responsibilities of RIT Kosovo™ (A.U.K).
- Provide analytical memoranda pertaining to significant policy or legal issues.
- Provide opinion letters on specific issues when requested.
- Other legal duties as assigned and agreed upon.

Conflicts/Appearance of Conflict
Conflicts/Appearance of Conflict All proposers shall disclose in their Proposals under separate heading, all actual, potential or apparent conflict(s) as well as any current or past relationship and or dealings between the law firm and/or any attorney of the law firm with RIT Kosovo™ (A.U.K) without limitation. Identify all past or current relationships with any Kosovo Institutions of higher education. As assignments are made the selected firm will have to confirm/identify any conflict issues.
Specific Fields of Legal Practice

Proposers are advised to submit Statements of Qualification that fully demonstrate the Proposer's prior experience and expertise in their specified areas of legal practice. Proposers shall only be evaluated on their demonstrated experience in their specific areas of legal practice.

*Proposers must specifically list the specific section numbers for which they wish to be considered (e.g. 1, 2, 5, etc.).*

Proposers are also required to state their prior experience in advising Boards of Trustees, Executive Officers, and Administrators on the analysis of, impact of, and case management of legal issues.

1. Arbitration Dispute Resolution (Arbitration, Mediation)
2. Charities/Foundations – United States (including 501(3)(3) entities)
3. Civil Rights
4. Construction and Real Estate (including Land use)
5. Contracts (breach of contract, contract drafting, review and standardization)
6. Employment/Labor Law (employee benefits, employee wages and salary, employment agreements, Consultants, External Associates, Service Agreements, etc.)
7. General Litigation
8. Higher Education Law – Kosovo (Including Accreditation, National Qualification, Vocational Education and Training, Registration/Nostrification of Diplomas)
9. Higher Education Law – United States
10. Immigration Law (Including Student Visas, Registration with Migration Office for Faculty)
11. Income and Tax Law (including related to NGO’s, International Faculty, etc.)
12. Insurance
13. Intellectual Property (including trademarks, copyright and intellectual property)
14. Law on freedom of Association in Non-Governmental Organizations – Kosovo (including related tax issues)
15. Public-Private Partnership
General Conditions

- Proposals must indicate hourly billing rates for partners, associates, and paralegals.
- Travel time shall not be invoiced as billable hours.
- The billing rates shall reflect regular hourly rates and discounts to be applied for RIT Kosovo™ (A.U.K) as a non-for-profit entity with a public benefit status.
- It is permissible to submit higher rates for certain specialty areas of the law.
- The rates quoted shall remain in place through the life of the pool list without annual or other automatic increases unless approved by RIT Kosovo™ (A.U.K).
- No overtime, overhead, or secretarial services are to be invoiced.
- Travel expenses shall be reimbursed at the RIT Kosovo™ (A.U.K) adopted rate of reimbursement and only if preapproved before service.
- The selected firm will be presumed to have expertise in the area of legal engagement, therefore basic legal research and start-up costs for educating new or additional attorneys or paralegals will not be permitted.
- No reimbursement for time spent by more than one attorney attending meetings, witness interviews, depositions, or hearings, shall be billed unless approved by the RIT Kosovo™ (A.U.K) in advance.
- Any specific tasks or assignments independent of the general scope of representation will require a written cost estimate or projected budget and must be approved by RIT Kosovo™ (A.U.K) or his designee/s.
- Firm(s) shall keep the RIT Kosovo™ (A.U.K) President or his designee/s informed of all relevant activities related to the work performed. Firm must send all such reports or briefings to the RIT Kosovo™ (A.U.K) President or his designee/s for review before filing or signature, all significant agreements, contracts, pleadings, reports or other documents.
- Firm is expected to provide RIT Kosovo™ (A.U.K) President or his designee with a periodic status report on all matters assigned.
- RIT Kosovo™ (A.U.K) President or his designee/s will be advised in advance of all court or court required appearances and/or significant conferences whether or not required by a court, and Institution’s personnel shall be permitted to attend such appearances or conferences unless prohibited by Court Rule or established practice.
- Firm shall send all final drafts of work products, including pleadings and memoranda, to the RIT Kosovo™ (A.U.K) President or his designee/s.
- The RIT Kosovo™ (A.U.K) or his designee/s, not the firm, will be responsible for conducting and/or managing all communications with the public or press on Institution’s matters.
• The firm must consult the RIT Kosovo™ (A.U.K) President or his designee/s before directly contacting other Institution employees, consultants or entities engaged by the Institution, until and unless a working relationship has been approved with the person or entity by the RIT Kosovo™ (A.U.K) or his designee/s.
• RIT Kosovo™ (A.U.K) reserves the right to award any contract in part, or to award to more than one firm.
• The terms, provisions and conditions of any contract(s) between the successful firm(s) and RIT Kosovo™ (A.U.K) might be subject to approval by the RIT Kosovo™ (A.U.K) Board of Trustees. No minimal amount of work will be guaranteed.
• More than one firm or specialty may be included in the approved pool.
• The anticipated contractual period will be for one year, with potential renewal for consecutive one- year periods, at the option of the RIT Kosovo™ (A.U.K), and upon the same terms. Engagements for specific matters will be arranged as the need arises during the contract period. RIT Kosovo™ (A.U.K) reserves the right to alter this time period upon review of all RFP’s.

The anticipated contractual period will be for approximately one year* with two (2) possible renewals of one year each. RIT Kosovo™ (A.U.K) reserves the right to alter this time period upon review of all proposals.

To better align with RIT Kosovo™ (A.U.K) fiscal year, the initial contract will commence mid August and end June 30, 2017, to be potentially renewed July 1, 2017 (RIT Kosovo™ (A.U.K) fiscal year runs from July 1st through June 30th). RIT Kosovo™ (A.U.K) will contract with the awarded firms for services procured from the date of award through the start date of the contract if necessary.

RIT Kosovo™ (A.U.K) reserves the right to terminate the awarded firm’s services for any reason, with or without cause at any time during the term of the contract or the specific assignment.

The awarded firm may not assign, sell or sub-contract its obligations under the contract to any third party. Approval on the pool list is based on the experience of the specific individual attorneys submitted and is subject to revocation if personnel changes.

In submitting a proposal for this offering, the firm expressly warrants that:

• The firm has legal capacity to execute and perform any Agreement arising from this RFP.
• Any Agreement arising from the award of this RFP is a valid and binding Agreement enforceable against the firm according to its terms.

• The execution and performance of an agreement by the firm does not, and will not, violate or conflict with the terms of any existing Agreement or understanding of which the firm is a party.

• The execution and performance of an Agreement by the firm does not, and will not, violate or conflict with any law, rule, regulation, judgment or order of any court or other adjudicative entity binding the firm.

• The firm knows of no reason why the firm is in any way, physically, legally, or otherwise, precluded from performing the obligations under an Agreement arising from this RFP, in accordance with its terms, including without limitation, those relating to health and safety.

• Such warranties shall survive and shall not be deemed waived by delivery or acceptance of, or payment for the goods and services.

• The proposer warrants and represents that any items or services, when delivered, shall meet or exceed all applicable standards as mandated by State and Government regulation.
Submission Requirement

The proposer’s response should be concise and shall be organized in a manner to facilitate quick access to pertinent information. Every effort should be made to avoid duplicating the information presented in the RFP. The proposal must include and will be evaluated based on the following criteria. Each proposer’s RFP must include an index and be organized by discrete sections corresponding to the criteria and in the same order as listed below. Proposals submitted in any other format other than as listed below will be considered informal and may be rejected.

1. **Cover Letter**: A cover letter expressing interest and addressing, at a minimum, the following:
   a. Identification of the proposer’s firm and the specific attorneys assigned to this project.
   b. Description of why the proposer is the best selection for this project.
   c. Provide the name and contact information of the individual in your firm that RIT Kosovo™ (A.U.K) should contact regarding questions about your RFP and to schedule a potential interview. The contact information should include the following: name of individual, telephone number, and e-mail address.

2. **Areas of Expertise and Experience**
   a. Proposer should list the Specific Fields of Legal Practice (specific section numbers) listed in this RFP for which they wish to be considered.
   b. A brief description of the experience of both the firm and key personnel to be assigned to this effort, organized by relevant specialty.
   c. Identification of key personnel, their qualifications, their availability and time commitment for this effort, and location of their primary office. (Including a resume or CV of the personnel proposed).
   d. Professional memberships, certifications, licenses, and other qualifications for key individuals assigned.
   e. Optional: A listing of cases and outcomes relating for higher education clients that have been handled by the firm through negotiation, settlement, mediation, arbitration, or litigation.

3. **RATE/FEE**
   a. Proposer will include a fee proposal specifically reflecting the method of determining charges for work performed; and include hourly rates for the following:
      i. Partners
      ii. Associates, and
iii. Paralegals

b. Proposer shall indicate how Proposer’s fees are charged (i.e., 1/10th Hour increments, quarter hour increments, fixed fee, per transmission, etc.).

4. References: List a minimum of three (3) verifiable references from Kosovo. This list may include current and former clients (with reason for cancellation if applicable), with all references being able to fully comment on the Proposer’s related experience.

   a. The list should contain the name of the client, address, telephone, contact person, and dates of service.

5. Additional Materials (Optional):

   a. Proposers may include other materials that they feel may improve the quality of their proposal.

   b. Proposers are encouraged to include letters of reference and/or testimonials in their proposal.

6. An oral presentation by a proposer to clarify a proposal may be required at the sole discretion of the RIT Kosovo™ (A.U.K). Proposers will not be compensated for making the presentation.

All proposals should be legible and thoroughly detailed as possible so that capabilities to provide the required services can be properly evaluated. To be considered, documents must be manually signed by an authorizing representative of the firm, include a cover page and all applicable attachments.

RFP submissions are to abide by the cone of silence which prohibits oral communication between service providers, bidders, lobbyists, and RIT Kosovo™ (A.U.K) representatives. Written communications are permitted and encouraged, but must specifically be directed to info@auk.org
Selection Criteria

RIT Kosovo™ (A.U.K) reserves the right to reject any and all bids and to award to multiple firms, in whole or part, if it is deemed advantageous to do so by the Institution.

An initial screening of all submissions will be conducted to determine overall responsiveness. Submissions determined to be incomplete or non-responsive will be disqualified.

RIT Kosovo™ (A.U.K) reserves the right to negotiate the terms and conditions of the contract to obtain the most advantageous arrangements for RIT Kosovo™ (A.U.K). In addition, RIT Kosovo™ (A.U.K) reserves the right to suspend or terminate the procurement process described in this RFP at any time (in its sole discretion). If terminated, RIT Kosovo™ (A.U.K) may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents. RIT Kosovo™ (A.U.K) may request that any proponent clarify or supplement any information contained in any Proposal.

Submission of a Proposal in response to this RFP is your acknowledgement that subjective criteria will be used in the evaluation of proposals. Award shall be made to the responsible proposer who is determined to be the most advantageous to the RIT Kosovo™ (A.U.K).

By responding to this RFP, firms acknowledge and consent to the conditions set forth herein relative to the submission, review and consideration of your response.

The award of this RFP will be based upon a review and analysis of all proposals to determine which proposal/proposals best meet the Institution’s needs as measured against the criteria listed below and any subsequent interview/proposal of the firm that may be requested.

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<thead>
<tr>
<th>Point Categories</th>
<th>Points</th>
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<tbody>
<tr>
<td>Quality of Personnel assigned to work directly on matter</td>
<td>0-30</td>
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<tr>
<td>Experience in the relevant specialty</td>
<td>0-30</td>
</tr>
<tr>
<td>RATE/FEE</td>
<td>0-30</td>
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<tr>
<td>Experience in matters concerning Higher Education Institutions</td>
<td>0-10</td>
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