

Pima County Clerk of the Board

Robin Brigode

Julie Castañeda
Deputy Clerk

Administration Division
130 W. Congress, 5th Floor
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Tucson, Arizona 85714
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December 5, 2016

Mr. Barry M. Corey
DeConcini McDonald Yetwin & Lacy, P.C.
2525 E. Broadway Boulevard, Suite 200
Tucson, AZ 85716

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation
No. 228614

Dear Mr. Corey:

In accordance with Pima County Code 11.20.010(J), please be advised that we are in receipt of your request to appeal the decision of the Procurement Director in the aforementioned matter. A hearing has been scheduled before the Pima County Board of Supervisors on Tuesday, December 13, 2016, at 9:00 a.m. or thereafter, at the following location:

Pima County Administration Building
Board of Supervisors Hearing Room
130 West Congress, 1st Floor
Tucson, AZ 85701

If you have any questions concerning this hearing, please contact this office at 724-8449.

Sincerely,

A handwritten signature in cursive script that reads "Robin Brigode".

Robin Brigode
Clerk of the Board

c: Mary Jo Furphy, Procurement Director



DECONCINI McDONALD YETWIN & LACY

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ATTORNEYS AT LAW**

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OF COUNSEL:

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BARRON & ASSOCIATES, P.C. - JOHN H. BARRON, III

FIRM FOUNDERS:

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December 5, 2016

PLEASE REPLY TO TUCSON
BCOREY@DMYL.COM

Pima County Board of Supervisors
130 W. Congress St.
Tucson, AZ 85701

Robin Brigode
Clerk of the Board of Supervisors
130 W. Congress St.
Tucson, AZ 85701

RE: APPEAL OF PROTEST IN SOLICITATION NO. 228614

Dear Members of the Board of Supervisors and Clerk of the Board:

The law firm of DeConcini McDonald Yetwin & Lacy, P.C. respectfully appeals the decision of Mary Jo Furphy, Director of the Pima County Procurement department, with reference to the protest identified above (a copy of which is attached), for the reasons and upon the grounds hereinafter set forth. This appeal relates to the selection process for legal counsel for the Pima County Merit System Commission/Law Enforcement Council (the "Commission/Council"), an independent agency of Pima County.

I. In adversarial proceedings, one party should never be allowed to appoint the legal counsel for an adverse party or for an agency required to decide contested issues involving the appointing authority and a different adversary.

While there may be some legitimate debate as to the legality of a practice allowing one party to appoint the legal counsel for an adversary or potential adversary, Ms. Furphy's response to the Protest ignores the fact that it is inappropriate and a fundamentally unfair practice for any party, including a County, to appoint legal counsel for an independent agency when the County or some of its elected officials routinely appear before the agency as a litigant in disputed adversarial proceedings under circumstance where a significant part of the legal counsel's responsibility includes giving legal advice to the agency without reference to who is paying the fees.

More specifically to the point, such a practice should not occur when the County or some of its elected officials have, on numerous occasions since 1999, been a direct adversary of the

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December 5, 2016

Page 2

agency in judicial proceedings in Pima County Superior Court, the Arizona Court of Appeals, and the Arizona Supreme Court (in some of which the Commission/Council and undersigned counsel successfully defended a rule adopted by this Board of Supervisors) in all of which the Commission/Council and undersigned counsel have prevailed.

This concept is clearly recognized in the rules of the Arizona Supreme Court, which provide that no attorney may accept a fee paid by someone who is not the client unless the client has given informed consent¹. No one from the County has requested or received the consent of the Commission, which is the client, to have any lawyer other than the DeConcini firm to represent the Commission/Council. Indeed, no one consulted the Commission/Council or any of its members with respect to whom their lawyer should be despite the fact that the Chair of the Commission/Council was listed as a reference in the Proposal of the DeConcini firm.

This inherent conflict and impropriety was ameliorated to some degree by the selection procedure used in the past; when undersigned counsel was first engaged to be the attorney for the Commission/Law Enforcement over 30 years ago, the interviewing for the new attorney (who was to replace the late Robert Hooker, Esq., who had been appointed to serve as a Judge of the Pima County Superior Court, and who had recommended undersigned counsel) was conducted exclusively by the Commission/Council. Only after the passage of a number of years did the County Procurement Department become involved, and always, until this year, the wishes of the Commission/Council were solicited and honored. This is the first selection process when input from the Commission/Council was affirmatively avoided.

In this process, undersigned counsel listed Georgia Brousseau, the Commission/Council Chair, as a reference, but neither the Procurement Department nor any of the evaluators sought or received any input at all from Ms. Brousseau or any other member of the Commission/Council.

Stated simply: a party who routinely appears before an independent administrative agency as a litigator in contested administrative processes and who has been and may again be adverse to the independent agency in court proceedings should not be permitted to select the legal counsel who would represent that agency against the appointing party, without at least receiving significant information as to the wishes of the client and paying serious attention to those wishes.

II. None of the “references” listed in various parts of the required solicitation forms were contacted!

After the issuance of the Notice of Proposed Recommendation, undersigned counsel was informed by the Procurement Department that none of the references required by the solicitation

¹ See Arizona Supreme Court ER [Ethical Rule]1.8(f), appended to the Protest attached to Ms. Furphy’s letter denying the Protest

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December 5, 2016

Page 3

forms were ever contacted! If they had been contacted, very pertinent information would have been disclosed that was never considered because none of the references were contacted. See footnotes 4 and 5 in Section IV below.

III. The manner in which points were to be awarded for the evaluation component for "Cost" was to be calculated was never disclosed in the solicitation, but the manner in which the cost component was apparently calculated virtually assured the likelihood that a less qualified lawyer would be selected in the event of a "lowball" cost proposal.

The Solicitation documents did not contain any information as to the manner in which the number of points to be awarded for the "cost" component would be decided. There are a number of ways in which the number of points *could have been determined*, but it is respectfully submitted that any proposal setting forth fees, costs or expenses within a range predetermined by the Procurement Department to be reasonable rates for the services should have been given the maximum number of points available. To do otherwise simply invites an award to a less qualified offeror with a lower hourly rate, precisely as it happened in this case.

The appeal submitted by undersigned counsel identified this issue in the Protest, and also included an email from the individual responsible for assisting the Civil Service Board of the City of Phoenix, showing (1) that legal counsel for that board charges \$250 an hour (virtually the same as the proposal submitted by the DeConcini firm, and (2) that the attorney for the Phoenix Civil Service Board is selected by the Board itself. The rates paid by other municipalities in Pima County demonstrate that the rates set forth in the proposal submitted by undersigned counsel are exactly in line with the rates for the City of Phoenix (City of Tucson: identical (for past years) to Pima County; Town of Marana: higher than the proposal submitted to Pima County; City of South Tucson: higher than the proposal submitted to Pima County).

Although it is still not clear what formula, if any, was used by the Procurement Department to arrive at a 10 point variance between the DeConcini rate proposal and the Felker proposal, the process clearly demonstrates a violation of good procurement practices and resulted in a proposed contract with a party which, by any measure utilized, was judged by the evaluators as being less qualified than the DeConcini firm, especially considering the undisputed facts that (1)undersigned Council has been providing these services, with the continuing approval and consent of the Commission, for over 30 years, and (2) as set forth below, the Proposal of the Felker firm was not responsive to at least one part of the solicitation process.² (See section IV, below).

² At the time the Notice of Recommendation was issued and thereafter when the Protest was being prepared, undersigned counsel had not been given access to the Felker proposal, and the shortcomings in the Felker proposal were unknown at the time of the drafting of the Protest. A Public Records request was required by the Procurement Department, and the proposal was

December 5, 2016

Page 4

Furthermore, Ms. Furphy's letter states, at the bottom of the first page, that "[t]he proposal also clearly defined the formula that would be used to allocate the price points to each respondent." It is presumed that the wording in this sentence was an error and that it was meant to say that the "solicitation" also clearly defined the formula. However, at no place in the solicitation is any formula set forth for calculating the number of points to be awarded for the cost component. The solicitation sets forth that 40 points out of 100 will be awarded for the cost component, but it does not disclose whether the formula would be such that all 40 points would be awarded to the lowest bidder (even if that is obviously a "lowball" bid), or whether the points would be awarded on the basis of falling within a predetermined range of satisfactory rates, or whether some other formula would be utilized, whereby the other reasonable rate offers would result in an award of some other points. None of this was spelled out, and the failure to do so is not an acceptable Procurement practice, especially in light of the fact that the DeConcini firm was docked 10 points, for submitting a rate proposal that fell well within the range of reasonable rates, which may result, according to the proposed recommendation, in the issuance of a contract to what has been identified in the evaluation process as a less qualified firm for this type of work.

Whatever secret formula was used by the Procurement Department to determine the number of points awarded to the parties for the "cost" component, it makes the points award so lopsided that, even if the DeConcini firm had been awarded every point available for the evaluation portion of the process (the 60 points other than the points to be awarded for the "cost" component) the manner in which the lowball bid was calculated would still have resulted in an award to the less qualified offeror! Such a process virtually guarantees an award to any firm that submits a lowball offer which, considering the number of points being allocated, could easily result in a contract award to a far less qualified firm than any of the three Offerors in this process (which are all good firms)³.

Ms. Furphy's denial letter states that the same process was used previously, but undersigned counsel was and is unaware of this because it was never before an issue.

IV. The Felker proposal was not responsive to the requirements of the solicitation.

Ms. Furphy observes in her letter denying the protest that "[t]he contract shall be awarded to the responsible and **responsive** offeror whose proposal is determined to be the most

ultimately seen by undersigned counsel before the final submission of the Protest, but not in time to analyze it and revise the Protest to reflect the non-responsiveness of the Felker proposal.

³ Although the Felker firm is not as qualified as the DeConcini firm for this appointment, it is a good firm, as is the other Offeror and undersigned counsel does not mean to suggest otherwise. However, the process, as utilized, does not safeguard against the appointment of legal counsel far less qualified than any of the three Offerors, due to the over emphasis of the cost component.

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December 5, 2016

Page 5

advantageous to the County taking into consideration the evaluation criteria set forth in the request for proposals ." (Emphasis added.) The Felker proposal was not responsive. Copies of both the Felker proposal and the DeConcini proposal are attached to this appeal letter. An example of the non-responsiveness can be found in the Felker Proposal at "Attachment 5: Questionnaire – Attorney Public Sector References". The response submitted by the Felker proposal is unresponsive and misleading in at least two ways: (1) the questionnaire required "a minimum of three (3) verifiable public sector references", but *two of the three "references" listed in the Felker proposal are the same agency*⁴. Thus, it submitted only two such "references"; (2) equally significantly, it seems apparent from the information requested on the form, that the requested references are intended to have been clients of the offeror. But the agency listed, "Pinal County - Human Resources" was never shown by the Felker proposal as having been a client. The Felker firm's client was the Pinal County Employee Merit Commission, which almost certainly had, like the Pima County Merit System Commission/Law Enforcement Council, no employees. Listing an entity with approximately 1800 employees was also unresponsive and was misleading as well as a misrepresentation of the nature of the services provided by the Felker firm, which were legal services provided to the Commission, not Pinal County or any of its departments.

As a result of the fact that none of the references for the DeConcini proposal were considered (see Section II above), pertinent information was never learned, and some of the evaluation rankings for the Felker proposal for the "references" section of the proposals were improperly given more points than the DeConcini proposal⁵.

The Felker proposal should be disqualified as being non-responsive, or , at the very least, the evaluation points awarded to the Felker firm for "Part 2 – Attorney References" should be removed from consideration.

⁴ Apparently this failure was noted by only one of the four evaluators. Copies of all of the evaluations are attached.

⁵ One evaluator criticized the listing in the DeConcini proposal of Thomas Drexel, CEO of a small charter school, as a reference, and gave the DeConcini proposal fewer points, apparently as a result of that observation. If Mr. Drexel, the reference, had been contacted, the evaluators would have learned that he served as President of the Arizona Charter Schools Association and that, while president of that association, he engaged the services of undersigned counsel to file an Amicus Curiae brief in the Arizona Supreme Court to support the constitutionality of charter schools in Arizona, which was done, and that, of the three Amicus Curiae briefs filed, the attorney for the true party (a Phoenix charter school) elected to share his oral argument time only with undersigned counsel, who did present oral argument before the Arizona Supreme Court to support the constitutionality of charter Schools.

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December 5, 2016

Page 6

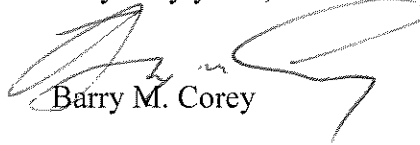
V. Conclusion.

If, as Ms. Furphy indicated in her denial of the Protest, the object of the Procurement Process is to serve the best interests of the County, and if the Board of Supervisors seeks, as its past actions indicate, to have a truly independent Merit System Commission and Law Enforcement Merit System Council, for the reasons set forth above the Board is respectfully requested to rescind the proposed issuance (or recommended issuance) of a contract to the Felker firm and, as the Commission/Council clearly requested, issue the contract to the firm of DeConcini McDonald Yetwin & Lacy, P.C.

In the event that the Board prefers not to rescind the issuance of a contract to the Felker firm, then two possible alternatives would include the issuance of a single contract naming both firms, allowing the Commission/Council to choose its own counsel between the two firms when and as it wishes, or rescinding the entire solicitation process, and starting over with a new process that solicits and honors the preferences of the Commission/Council and avoids a process that awards such a large proportion of the total number of points to "cost" as to guarantee that a lowball offer will be accepted, to the detriment of the County and the Commission/Council. The solicitation clearly permits each of these options.⁶

Thank you for your attention to this matter.

Very truly yours,



Barry M. Corey

BMC/tag

cc: Pima County Board of Supervisors

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⁶ The complete rejection of the Felker proposal is permitted: see page one of the Pima County Notice of Request for Proposals (RFP): "Proposals shall be submitted as defined in the instructions to Offerors, in accordance with the Standard Terms and Conditions, and all solicitation documents either referenced or included herein. Failure to do so may be cause for rejection as *non-responsive*. (Emphasis in original.) Further, Section 4 of the Pima County Standard Terms and Conditions (Solicitation page 22 of 26) provides that the "COUNTY reserves the right to obtain like goods or services from other sources". And the same concept is incorporated in the sample contract at "Article 18 – Non Exclusive Contract" - "COUNTY reserves the right to obtain like services from other sources for any reason."

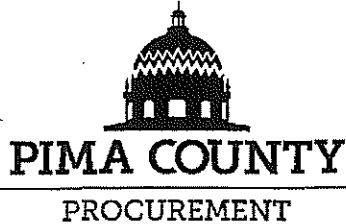
INDEX OF ATTACHMENTS

1. Denial letter from Mary Jo Furphy dated November 29, 2016 regarding Protest of Notice of Recommendation for Award
2. Proposal of Sidney Lex Felker, P.C.
3. Proposal of DeConcini McDonald Yetwin & Lacy, P.C.
4. Evaluations for:
 - A. DeConcini McDonald Yetwin & Lacy, P.C.
 - B. Sidney Lex Felker, P.C.

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Denial letter from Mary
Jo Furphy dated
November 29, 2016
regarding Protest of
Notice of
Recommendation for
Award



PIMA COUNTY PROCUREMENT DEPARTMENT
130 W. CONGRESS ST., 3RD FLOOR, TUCSON, AZ 85701-1207
PHONE: (520) 724-8161 FAX: (520) 222-1484

Mary Jo Furphy
Procurement Director

Via Email: bcorey@dmvl.com

November 29, 2016

Mr. Barry M. Corey
DeConcini McDonald Yetwin & Lacy, P.C.
2525 E Broadway Boulevard, Suite 200
Tucson, AZ 85716

RE: Protest of Notice of Recommendation for Award
Solicitation No. 228614 Merit System Legal Representation

Dear Mr. Corey,

On November 22, 2016, I received your letter protesting the Notice of Recommendation for Award of Solicitation No. 228614, Merit System Legal Representation, issued on November 16, 2016, which is naming the law firm of Sidney Lex Felker, P.C. dba Leonard and Felker, P.L.C., as the Awardee.

You are requesting that the Notice of Recommendation for Award noted above be rescinded and that a new Notice of Recommendation for Award be issued naming the law firm of DeConcini McDonald Yetwin & Lacy, P.C., as the Awardee for various reasons, all of which have no merit in terms of the procurement and the evaluation process.

In your letter, many of the reasons for protest were in regard to your extensive experience. Your experience was taken into consideration as a rated evaluation criteria and received higher scores than the other two respondents. Another reason referenced was Pima County Procurement Code 11.12.010 (I), Competitive Sealed Bidding, which is an inaccurate reference. The appropriate code reference would be 11.12.020 (I), Competitive Sealed Proposals, which states "The contract shall be awarded to the responsible and responsive offeror whose proposal is determined to be the most advantageous to the County taking into consideration the evaluation criteria set forth in the request for proposals." Consideration of "other factors" are not allowed within this type of procurement method. The criteria that was included in the proposal was used for the evaluation process and is the same criteria used in the 2006 and 2011 Request For Proposals for which you were the successful respondent. You offer that you have a higher rating than your competitor based on a certain rating company, this cannot be a factor as it was not an evaluation factor in the proposal.

Your protest states that the most significant factor "is the fact that the Felker firm has "lowballed" the fee". A fundamental component of the procurement process as allowed, defined and required by Arizona Revised Statute and Pima County Code is a competitive process, including price competition. Pima County Procurement Code 11.12.020 requires the proposal define "the relative importance of price and other evaluation factors." The Code places price above all other factors. The proposal clearly defined that price was being rated at 40 out of 100 potential points. That rating of 40 points is the same rating used for the previous Requests for Proposals for which you were the successful respondent. The proposal also clearly defined the formula that would be used to allocate the price points to each respondent.

Mr. Barry M. Corey
DeConcini McDonald Yetwin & Lacy, P.C.
November 29, 2016
Page Two

Pursuant to Pima County Procurement Code 11.20.010.E (1), I have determined that the protest does not state a valid basis for protest. Therefore, your protest is dismissed.

You may appeal this decision to the Board of Supervisors by filing an appeal with the Clerk of the Board within five business days of the date of this written decision pursuant to Pima County Procurement Code Section 11.20.010.H. If you file an appeal with the Board of Supervisors, the Board will consider the protest at a regularly scheduled meeting within 30 days of this decision. The Board may, with or without a hearing, either accept the decision or determine an appropriate remedy.

Sincerely,


Mary Jo Murphy
Procurement Director

Attachment: DeConcini McDonald Yetwin & Lacy, P.C. protest letter dated November 22, 2016 (13 pages)

c: C.H. Huckleberry, County Administrator
T. Burke, Deputy County Administrator
R. Brigode, Clerk of the Board
A. Wilber, Materials & Services Division Manager
J. Moore, Commodity Contracts Officer
A. Bulzoni, Human Resources Director
W. Petersen, Human Resources Deputy Director
T. Rosen, Deputy County Attorney
Interested Parties



DeCONCINI McDONALD YETWIN & LACY

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OF COUNSEL:
RICHARD M. YETWIN
BARRON & ASSOCIATES, P.C. - JOHN H. BARRON, III

November 22, 2016

PLEASE REPLY TO TUCSON
B.COREY@DMYL.COM

Robin Brigode
Clerk of the Pima County
Board of Supervisors
130 W. Congress St.
Tucson, AZ 85701

Mary Jo Furthy, Director
Pima County Procurement Department
130 W. Congress St.
Tucson, AZ 85701

C. H. Huckelberry
Pima County Administrator
130 W. Congress St.
Tucson, AZ 85701

RE: PROTEST OF RECOMMENDATION IN SOLICITATION NO. 228614

Dear Ms. Brigode, Ms. Furthy and Mr. Huckelberry:

For the reasons hereinafter set forth, Barry M. Corey and the law firm of DeConcini McDonald Yetwin & Lacy, PC, hereby protest the November 16, 2016, Notice of Recommendation For Award and the proposed recommendation by the Pima County Procurement Department made in reference to the proposed award of a contract for legal services pursuant to Solicitation No. 228614 regarding legal services for the Pima County Merit System Commission/Law Enforcement Merit System Council.

This formal protest is lodged pursuant to Section 11.20.010 *et seq.* of the Pima County Procurement Code.

The Pima County Merit System Commission ("Commission") and the Pima County Law Enforcement Merit System Council ("Council") are two administrative bodies operating, by state statute and Pima County Ordinance, through the Pima County Merit System Commission. The functions of these two bodies include making recommendations for rules and rule changes to the Pima County Board of Supervisors (in the case of the Commission), rule making (in the case of the Council), and - the principle function - acting as a quasi judicial body in determining the existence of just cause for disciplinary actions appealed by employees of Pima County within the framework of the Rules of the Commission and the Rules of the Council, for each of which there is a separate set of Rules. These hearings have lasted as little as a few hours, and, in one case, as long as 15 days.

Procure Dept 11/22/16 PM04:38

DECONCINI McDONALD YETWIN & LACY

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ATTORNEYS AT LAW

November 22, 2016

Page 2

The principal role of the attorney for the Commission/Council is to work closely with the members of the Commission/Council, providing legal advice, consultation, and representation for the Commission/Council and its members in litigation filed by either the County or a disciplined employee, to secure judicial review of decisions of the Commission/Council.

The nature of the role of the Commission/Council members and the legal counsel is such that a strong, confident working relationship is essential.

For the reasons and facts hereinafter set forth, undersigned counsel respectfully requests that the Notice of Recommendation for Award with respect to Solicitation No. 228614 on November 16, 2016, be rescinded and that a new Notice of Recommendation for Award be issued naming, as the Awardee, the law firm of DeConcini McDonald Yetwin & Lacy, P.C.

The factual grounds and reasons for this Protest are as follows:

It would not be appropriate for Pima County, through the Pima County Procurement Department or otherwise, to select, without the concurrence, or, at least, some input from the Commission/Council, the attorney for the Commission/Council in quasi judicial proceedings in which the County or any of its departments appear as a litigant, nor is it appropriate to allow Pima County to select the attorney for the Commission/Council in litigated cases in which Pima County or any of its elected officials will be adverse to the Commission/Council. It would be highly unusual and inappropriate for a party to litigation or in a quasi judicial hearing to be permitted to select the legal counsel of its potential adversary. Additional reasons which support the continued retention of the law firm of DeConcini McDonald Yetwin & Lacy and undersigned as attorney for the Commission/Council include the following:

A. Undersigned counsel has served successfully as attorney for the Commission/Council for over 30 years, beginning in 1981, while the party named as Awardee in the Notice of Recommendation has not, to the knowledge of the members of the Commission/Council or undersigned counsel ever represented or even appeared before the Commission/Council;

B. Undersigned Counsel's representation of the Commission/Council in litigation has included (and could again include) representation against numerous departments of Pima County, e.g. in 1999 (in a Special Action in the Arizona Court of Appeals in which undersigned counsel successfully defended a Rule adopted by the Pima County Board of Supervisors) and in 2005 (in a Special Action that was initiated by the Pima County Sheriff in Superior Court, that went through the Pima County Superior Court, the Arizona Court of Appeals, and was ultimately decided in favor of the Commission/Council and against the Sheriff's department by the Arizona Supreme Court), which make it highly inappropriate that the lawyer for the Commission/Council be selected by the County, which is both a potential adversary in litigation and a party appearing in an adversary proceeding before the Commission/Council;

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ATTORNEYS AT LAW

November 22, 2016

Page 3

C. Undersigned counsel has been instrumental in assisting the Commission/Council in adopting, developing, and recommending to the Board of Supervisors rule changes which have been highly beneficial to Pima County in the conduct of the business of the Commission/Council and in the avoidance of costly judicial reviews of decisions of the Commission/Council; at the request of Mr. Huckelberry, in 1999, undersigned counsel drafted a new rule (subsequently approved and adopted by the Pima County Board of Supervisors for the Commission, and approved and adopted by the Law Enforcement Council thereafter) setting forth a revised just cause standard of review for the Commission/Council; these rule changes were unsuccessfully opposed (in 1999) by the Pima County Sheriff's Department and the Pima County Attorney's office, but successfully defended by undersigned counsel in the Arizona Court of Appeals (for the Commission), and (in 2005) by the Sheriff's Department before the Arizona Supreme Court (for the Council);

D. None of the references listed by undersigned counsel in the Proposal were ever contacted by anyone in the evaluation process; more significantly, no member of the Commission/Council was contacted by anyone from or on behalf of the Pima County Procurement Department to determine the wishes of the Commission/Council, which, after all, is the client in this situation, despite the fact that the Commission Chair, Georgia Brousseau, was listed as a reference in the DeConcini Proposal submitted in response to the Request for Proposals;

E. As reflected in the attached motion unanimously adopted by the Commission/Council on this date, the Commission/Council expressed its "strong desire" . . . "to retain the continued professional services of [undersigned counsel]";

F. The Pima County Procurement Department apparently failed to take notice of or consider, among the "other factors" that should have been considered in the recommendation of the contract award (in compliance with the requirements contained in §§ 11.12.010.I and 11.12.010.I(4) of the Pima County Procurement Code):

(1). The longevity of undersigned counsel in representing the Commission/Council;

(2). The fact that the members of the Commission/Council are individual citizens who are frequently sued for their decisions, the wishes of the Commission/Council that the County not appoint another attorney who has had no contact with or even any experience in advising or representing the Commission/Council or appearing before it, and which has a strong desire to continue the advice and representation of undersigned counsel, as indicated by the attached copy of a motion passed by the Commission/Council on November 22, 2016;

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

November 22, 2016

Page 4

(3). The numerous litigated cases against the Commission/Council in the Pima County Superior Court, the many (6 or more) cases involving the Commission/Council in the Arizona Court of Appeals, and the case decided in favor of the Commission /Council in the Arizona Supreme Court, favorably handled by undersigned counsel;

(4). The overall quality of the advice and other assistance provided by Mr. Corey in assuring that hearings on disciplinary appeals are conducted in compliance with Arizona Law; see, e.g., the recent (10/11/2016) Court of Appeals opinion in the judicial review of the Commission's hearing in the Appeal from Termination filed by Theresa Sheridan, an attorney who had been employed by the Pima County Attorney's Office, in which Ms. Sheridan argued that her due process rights were violated when the County Attorney's Office argued during the Commission hearing that the Commission could be bound by a finding made in a criminal case by a Superior Court Judge; the Court of Appeals held as follows:

the statement made by the county attorney's counsel, that he was "bother[ed]" by the possibility that the Commission could "rehear this case and make a . . . finding of fact . . . different from a sitting Superior Court judge," did not prejudice Sheridan. Indeed, **the Commission's counsel [undersigned counsel] immediately told the Commission it was "not bound by" Judge Godoy's findings;** (Emphasis added.)

(5). The fact that the attorney-client relationship is an important, personal one that requires that the client have the utmost trust and confidence in its attorney, which has caused the Commission /Council to seek to retain the continuing legal services of Mr. Corey;

(6). The evaluations of the firms submitting proposals (including the DeConcini firm and the Felker firm) in their final ranking ranked the DeConcini firm highest, reflecting a clear preference that undersigned counsel be retained. The "grade sheet" shows that the DeConcini Firm had a numerical "grade" approximately 10% higher than the "grade" assigned to the Felker firm.

G. As members of a quasi judicial body who serve as uncompensated volunteers for the County, the members of the Commission/Council are frequently exposed to lawsuits in their own names, and these members have expressed their strong preference to be advised and represented "for all purposes" in any such matters by undersigned counsel, in whom they have great confidence, and these members feel that Pima County should be willing to afford them the protection they desire by continuing the services of undersigned counsel and the law firm of DeConcini McDonald Yetwin & Lacy, P.C. (See the attached copy of the Motion adopted by the Commission/Council.)

DECONCINI MCDONALD YETWIN & LACY

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ATTORNEYS AT LAW

November 22, 2016

Page 5

H. Martindale Hubbell, a nationwide firm that rates attorneys throughout the country based on both client and peer ratings independently gathered by the company, has "rated" both undersigned counsel and Ms. Aversa, the member of the Felker firm who would advise and represent the Commission/Council; a review of these ratings (a copy of each is attached) will show that the rating of undersigned counsel is "AV", the highest rating given by Martindale Hubbell. Ms. Aversa does not have an "AV" rating.

The most significant factor in the Procurement Department's proposed recommendation is the fact that the Felker firm has "lowballed" the fee, providing a bid of \$185 an hour, as opposed to the DeConcini bid of \$246 in 2017 (the regular hourly rate of undersigned counsel at this time is \$360 an hour), and the bid of Gust Rosenfeld, a fine firm, of \$289, both of which are more in line with what attorneys with a number of years of experience would ordinarily charge for an institutional client such as the Commission/Council. Because undersigned counsel also is currently under contract to provide all legal services to similar disciplinary boards in numerous such agencies throughout Pima County, he can assert that the hourly rate set forth for the Commission/Council is commensurate with other such agencies (City of Tucson (identical rate); Town of Marana and City of South Tucson (slightly higher rates). Additionally, see the email of Cindy Bezaury, Assistant Director, Human Relations Department of the City of Phoenix, showing that the rate for the legal counsel for the Phoenix Civil Service Board is precisely in line with the DeConcini bid (\$250 per hour). The rate of \$185 an hour for a lawyer with nearly 30 years of experience is somewhat shocking, unless it was designed (with knowledge of the previous rates of undersigned counsel) with the sole purpose of undercutting the rate of the long-time attorney for the Commission/Council. As indicated in the attached copy of email, the hourly rate paid to the legal counsel to the City of Phoenix Civil Service Board is \$250 per hour (learned by undersigned counsel only upon the day of receipt of the attached copy of email from Cindy Bezaury, and the Phoenix Civil Service Board, appropriately, selects its own counsel!); the City of Tucson has been paying the same rate as Pima County for these similar services for many years. The rate offered by the DeConcini firm (\$240 for the remainder of 2016, and \$246 for calendar year 2017) is reasonable and responsible. The rate offered by the Felker firm is neither reasonable nor responsible. If the County wishes to recognize such a bid as reasonable and responsible, it may well encourage similar lowball bids by much newer, less qualified lawyers who have less desirable qualifications than more established, experienced, and recognized lawyers. In the instant case, it is undisputed that the DeConcini Firm was evaluated as being most qualified (without regard to cost) to serve as legal counsel to the Commission/Council.

Furthermore, the allocation of 40 points (to the Felker firm) for a lowball bid and only 30 points (to the DeConcini firm) for a bid that clearly falls well within the norm for the delivery of the type of services being requested and offered is not consistent with any good procurement practice. The Solicitation for these proposals completely fails to define the manner in which a

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

November 22, 2016

Page 6

proposed fee that falls well within the range of a reasonable rate could be awarded fewer points than the full amount of available points.

It is respectfully submitted that most of the disciplinary Boards in question have accepted at least some input into the selection of an attorney to represent those Boards. (See Cindy Bezaury email.)

Finally, the attached Rule 1.8.(f)(1) of the Rules of the Arizona Supreme Court inferentially supports this request. This ethical rule provides:

A lawyer shall not accept compensation for representing a client from one other than the client unless:

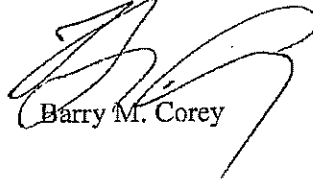
(a) the client gives informed consent;

For all of the reasons and facts set above, it is respectfully requested that the proposed Notice of Recommendation for Award with respect to Solicitation No. 228614 on November 16, 2016 be rescinded and that a new Notice of Recommendation for Award be issued naming, as the Awardee, the law firm of DeConcini McDonald Yetwin & Lacy, P.C.

A hearing on this Protest is respectfully requested pursuant to §11.20.010.F of the Pima County Procurement Code

Thank you for your attention to these matters.

Very truly yours,



Barry M. Corey

BMC/ta
Enc.

Motion of Pima County Merit System Commission/ Law Enforcement Council

Motion adopted unanimously by the Pima County Merit System Commission/Law Enforcement Merit System Council, November 22, 2016.

I move that the Pima County Merit System Commission/Law Enforcement Merit System Council communicate to the Pima County Procurement Department, the Pima County Board of Supervisors and the Pima County Administrator, the strong desire of the Commission/Council to retain the continued professional services of Barry M. Corey, of the law firm of DeConcini McDonald Yetwin and Lacy, P.C. as its legal counsel for all purposes.

Mr. Corey has served successfully as attorney for the Pima County Merit System Commission/Law Enforcement Council for over 30 years, beginning in 1981.

Mr. Corey has been instrumental in assisting the Commission/Council in developing and recommending to the Board of Supervisors rule changes which have been highly beneficial to Pima County in the conduct of the business of the Commission/Council and in the avoidance of costly judicial reviews of decisions of the Commission/Council.

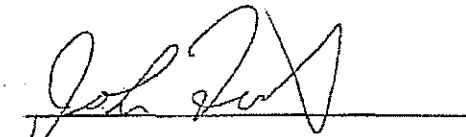
No member of the Commission/Council was contacted by anyone from or on behalf of the Pima County Procurement Department to determine the wishes of the Commission/Council, which, after all, is the client in this situation, despite the fact that the Commission Chair, Georgia Brousseau, was listed as a reference in Mr. Corey's Proposal submitted in response to the Request for Proposals.

As members of a quasi judicial body, the members of the Commission/Council may be exposed to potential lawsuits in their own names, and these members prefer to be represented in any such matters by Mr. Corey, in whom they have great confidence, and these members feel that Pima County should be willing to afford them the protection they desire by continuing the services of Mr. Corey and the law firm of DeConcini McDonald Yetwin & Lacy, P.C.

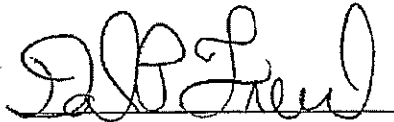
It was moved by John Fink. Seconded by David Freund and upon roll call vote the motion passed unanimously.



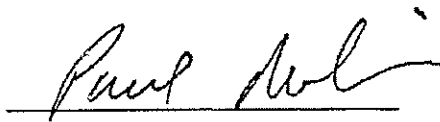
Georgia Brousseau, Chair



John Fink, Vice Chair



David Freund, Commissioner



Paul Ruben, Commissioner

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Tucson, Arizona (Main Office)

Name	Peer Review Rating
John C. Lacy, Shareholder Office: Tucson, Arizona Practice Areas: Public Land Law; Mineral Law; Water Rights; Business Law; Indian Law	AV [®] Preeminent™ 5.0 out of 5
Dennis DeConcini, Shareholder (Resident, Washington, D.C.) Office: Tucson, Arizona	AV [®] Preeminent™ 5.0 out of 5
John C. Richardson, Shareholder Office: Tucson, Arizona Practice Areas: Education Law; Employment Law	AV [®] Preeminent™ 4.9 out of 5
James A. Jutry, Shareholder (Certified Specialist, Taxation, Arizona Board of Legal Specialization) Office: Tucson, Arizona Practice Areas: Taxation; Estate Planning; Probate; Commercial	AV [®] Preeminent™ 4.9 out of 5
Spencer A. Smith, Shareholder Office: Tucson, Arizona Practice Areas: Construction; Real Estate; Government Contracts; Litigation	AV [®] Preeminent™ 5.0 out of 5
Michael R. Urman, Shareholder Office: Tucson, Arizona Practice Areas: Real Estate; General Business Representation; Natural Resources	AV [®] Preeminent™ 5.0 out of 5
Denise M. Bainton, Shareholder Office: Tucson, Arizona Practice Areas: Employment Law; School Law; Government Law	AV [®] Preeminent™ 4.8 out of 5
Gary F. Urman, Shareholder Office: Tucson, Arizona Practice Areas: Commercial Litigation; School Law; Labor Law; Landlord and Tenant Law; Consumer Litigation	AV [®] Preeminent™ 4.9 out of 5
Lisa Anne Smith, Shareholder Office: Tucson, Arizona Practice Areas: Litigation; School Law; Construction Law; Government; Labor and Employment	BV [®] Distinguished™ 4.7 out of 5
Nathan B. Hannah, Shareholder Office: Tucson, Arizona Practice Areas: Real Property; Commercial Transactions; Estate Planning; Probate	AV [®] Preeminent™ 4.8 out of 5
Alice W. Callison, Shareholder Office: Tucson, Arizona Practice Areas: Employment Law; Health Care	BV [®] Distinguished™ 4.5 out of 5
Barry M. Corey, Shareholder Office: Tucson, Arizona Practice Areas: Personal Injury; Medical Malpractice; Wrongful Death; Employment Law; Labor and Employment; Education Law; Litigation	AV [®] Preeminent™ 5.0 out of 5
Peter B. Goldman, Shareholder	



Office: Tucson, Arizona
Practice Areas: Patents; Trademarks; Copyrights; Trade Secrets; Intellectual Property; Litigation; Business Law; Commercial Law

Kathryn B. Nelson, Shareholder
Office: Tucson, Arizona
Practice Areas: Banks and Banking(50%); Business Transactions (20%); Commercial Real Estate(20%); Business Formation(10%); Business Law(0%); Commercial Finance; Real Estate; Commercial Banking; Commercial Credit; Commercial Loans; Loan Restructuring;... **AV[®] Preeminent™** 4.9 out of 5

Steven J. Irlin, Shareholder
Office: Tucson, Arizona
Practice Areas: Real Estate; Business Law; Creditors Rights; Landlord and Tenant Law **AV[®] Preeminent™** 4.5 out of 5

James M. Sosa, Shareholder Certified Tax Specialist
Office: Tucson, Arizona
Practice Areas: Tax-State and Local(100%); Gaming; Native American Affairs

OF COUNSEL: Tucson, Arizona (Main Office)

Name	Peer Review Rating
Richard M. Yetwin, Of Counsel (Certified Specialist, Real Estate Law, Arizona Board of Legal Specialization) Office: Tucson, Arizona Practice Areas: Real Estate; Corporate Law	AV[®] Preeminent™ 5.0 out of 5

ASSOCIATES: Tucson, Arizona (Main Office)

Name	Peer Review Rating
Mr. Paul Michael Tilley, Associate Office: Tucson, Arizona Practice Areas: Real Estate; Natural Resources	
Mr. Ryan Douglas O'Neal, Associate Office: Tucson, Arizona	
Sesaly O. Stamps, Associate Office: Tucson, Arizona Practice Areas: Litigation; Labor and Employment; Government Law; School Law	
Ms. Jody A. Cortales, Associate Office: Tucson, Arizona Practice Areas: Bankruptcy; Creditors Rights; Civil Litigation	

LEGAL SUPPORT PERSONNEL: Tucson, Arizona (Main Office)

Name	Peer Review Rating
Linda A. Davis, CP, Legal Support Office: Tucson, Arizona	
Sharon A. Eichhorst, CP, Legal Support Office: Tucson, Arizona	
Cherlene Kangas, Legal Support Office: Tucson, Arizona	
Katheryn Smith, Legal Support Office: Tucson, Arizona	

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Name	Peer Review Rating
Brooke Felker-Johnston, Attorney Office: Tucson, Arizona Practice Areas: Probate; Trusts and Estates; Wills; Business; Real Estate	
David J. Leonard, Member (Also practicing individually at 5757 Wilshire Boulevard, Suite 460, Los Angeles, California, 90036) Office: Tucson, Arizona Practice Areas: Commercial Litigation; Insurance Bad Faith Litigation; Real Estate; Business Law; Health Care; Contracts; Corporate Law; Insurance; Legal Malpractice; Litigation; Medical Malpractice; Professional Liability	AV [®] Preeminent [™] 5.0 out of 5
Sidney L. Felker, Member Office: Tucson, Arizona Practice Areas: Trusts; Probate; Taxation; Estate Planning	AV [®] Preeminent [™] 5.0 out of 5
Donna M. Aversa, Member Office: Tucson, Arizona Practice Areas: Municipal Corporations; Fire Districts; Employment Law; Wills; Trusts and Estates	BV [®] Distinguished [™] 4.4 out of 5

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Barry Corey

From: Cindy Bezaury <cindy.bezaury@phoenix.gov>
Sent: Monday, November 21, 2016 3:59 PM
To: Barry Corey
Subject: good to hear from you!

As we discussed, the City of Phoenix contracts for our Legal Advisor to the Civil Service Board through an RFP process and the selection is made by the Board. Our City Attorney provides the contract and language consistent with our Charter. Our current Legal Advisor is paid \$250 per hour.

Cindy Bezaury, MLIR, IPMA-SCP
Assistant Director
Labor Relations Administrator

City of Phoenix | Human Resources Department – Labor Relations
251 West Washington Street, 7th Floor
Phoenix, Arizona 85003

Direct 602-262-7546
Fax 602-534-2602
cindy.bezaury@phoenix.gov



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[Home Table of Contents](#)

ER 1.8. Conflict of Interest: Current Clients: Specific Rules
Arizona Revised Statutes Annotated
Rules of the Supreme Court of Arizona

Arizona Revised Statutes Annotated
Rules of the Supreme Court of Arizona (Refs & Annots)
V. Regulation of the Practice of Law
D. Lawyer Obligations
Rule 42. Arizona Rules of Professional Conduct
Client-Lawyer Relationship

A.R.S. Sup.Ct.Rules, Rule 42, Rules of Prof.Conduct, ER 1.8

ER 1.8. Conflict of Interest: Current Clients: Specific Rules

Currentness

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

- (1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
- (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
- (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

(c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.

(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

- (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and
- (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

- (1) the client gives informed consent;
- (2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and
- (3) information relating to representation of a client is protected as required by ER 1.6.

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

(h) A lawyer shall not:

- (1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless the client is independently represented in making the agreement;

- (2) make an agreement prospectively limiting the client's right to report the lawyer to appropriate professional authorities; or
 - (3) settle such allegations, claims, or potential claims with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.
- (i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:
- (1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and
 - (2) contract with a client for a reasonable contingent fee in a civil case.
- (j) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.
- (k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.
- (l) A lawyer related to another lawyer as parent, child, sibling, spouse or cohabitant shall not represent a client in a representation directly adverse to a person who the lawyer knows is represented by the other lawyer except upon consent by the client after consultation regarding the relationship.

Credits

Amended June 9, 2003, effective Dec. 1, 2003.

17A PL 2 A. R. S. Sup. Ct. Rules, Rule 42, Rules of Prof. Conduct, ER 1.8, AZ ST S CT RULE 42 RPC ER 1.8
Current with amendments received through 10/15/16

END OF DOCUMENT

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Proposal of Sidney Lex Felker, P.C.

Table of Contents

<u>Tab</u>	<u>Document</u>	<u>Page(s)</u>
1	Attachment 1: Contractor/Offer Certification Form	1
2	Attachment 2: Minimum Qualifications Form	2
3	Attachment 3: Questionnaire – Attorney Experience	3-5
4	Attachment 4: Questionnaire – Attorney Lawsuit References	6-7
5	Attachment 5: Questionnaire – Attorney Public Sector References	8
6	Attachment 6: Questionnaire – Sustainability	9
7	Attachment 7: Questionnaire – Cost Schedule	10
	Addendum 2- EXHIBIT B Cost Schedule – Revised (not included in COPY sets)	11
8	Donna M. Aversa – Resume	12-15
9	Certificate of Good Standing	16-17

2 3

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ATTACHMENT 1: CONTRACTOR/OFFER CERTIFICATION FORM

CONTRACTOR LEGAL NAME:		Sidney Lex Felker, P.C.			
BUSINESS ALSO KNOWN AS:		Leonard & Felker, P.L.C.			
MAILING ADDRESS:		7440 N. Oracle Rd., Bldg. 2			
CITY:	Tucson	STATE:	AZ	ZIP CODE:	85704
PRIMARY CONTACT PERSON During term of the solicitation/RFP process:					
Name and Title		Donna M. Aversa, Attorney			
Phone Number	(520)742-0440	Email Address	dmaversa@slfpc.com		Fax # (520)622-7337
INVOICES:					
REMIT TO ADDRESS:		7440 N. Oracle Rd., Bldg. 2			
CITY:	Tucson	STATE:	AZ	ZIP CODE:	85704
CONTACT PERSON NAME: (first, last)		Donna M. Aversa		TITLE:	Attorney
PHONE:	(520)742-0440	FAX:	(520)622-7337		
CONTACT PERSON EMAIL ADDRESS:		dmaversa@slfpc.com			
DELIVERY ORDERS & CONTRACTS SIGNATURE TRANSMITTED:					
CONTACT PERSON NAME (first, last)		Donna M. Aversa		TITLE:	Attorney
PHONE:	(520)742-0440	FAX:	(520)622-7337		
CONTACT PERSON EMAIL ADDRESS:		dmaversa@slfpc.com			
CORPORATE HEADQUARTERS LOCATION:					
STREET ADDRESS:		7440 N. Oracle Rd., Bldg. 2			
CITY:	Tucson	STATE:	AZ	ZIP CODE:	85704

ACKNOWLEDGEMENT of SOLICITATION ADDENDA:

Contractor acknowledges that the following solicitation addenda have been incorporated in its offer and this contract:

Addendum #	Date	Addendum #	Date	Addendum #	Date
1	9/15/16				
2	9/15/16				

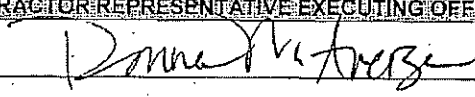
SMALL BUSINESS ENTERPRISE (SBE) CERTIFICATION:

CONTRACTOR Is your firm SBE certified as defined by the solicitation's 'Instruction To Bidders'? Yes No (Select one)

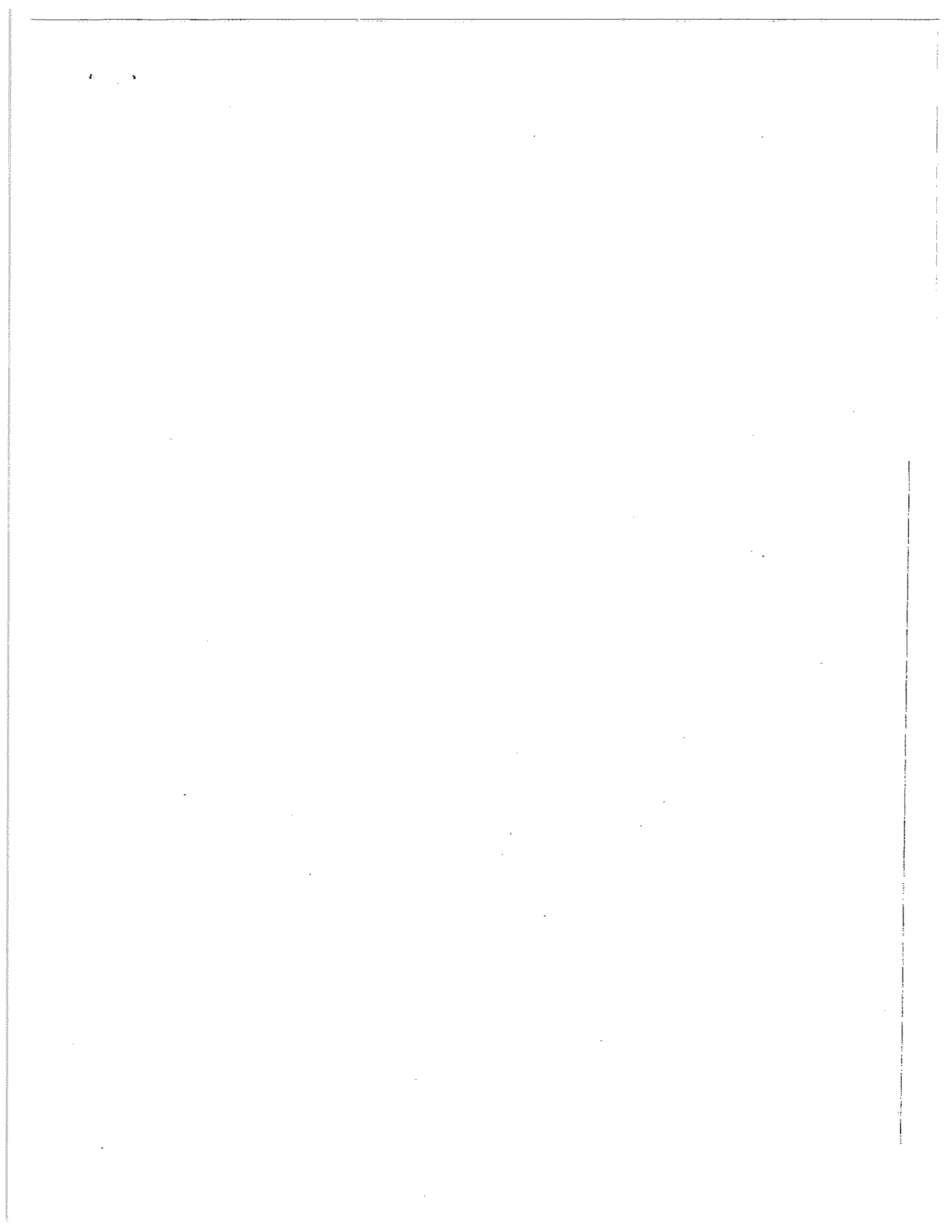
If 'Yes', have you included your certification document? Yes No (Select one)

NOTE: If the SBE Certification document is not submitted with your bid the SBE Preference cannot be applied

By signing and submitting these FORMS AND DOCUMENTS AS REQUIRED BY THIS SOLICITATION, the undersigned certifies that they are legally authorized to represent and bind the "CONTRACTOR" to legal agreements, that all information submitted is accurate and complete, that the firm has reviewed the Procurement website for solicitation addenda and incorporated to their offer, that the firm is qualified and willing to provide the items and services requested, and that the firm will comply with all requirements of the solicitation.

AUTHORIZED CONTRACTOR REPRESENTATIVE EXECUTING OFFER:					
SIGNATURE:				DATE:	9/26/2016
PRINTED NAME		Donna M. Aversa		TITLE	Attorney
PHONE:	(520)742-0440	EMAIL ADDRESS:	dmaversa@slfpc.com		

End of Attachment 1



ATTACHMENT 2: MINIMUM QUALIFICATIONS FORM
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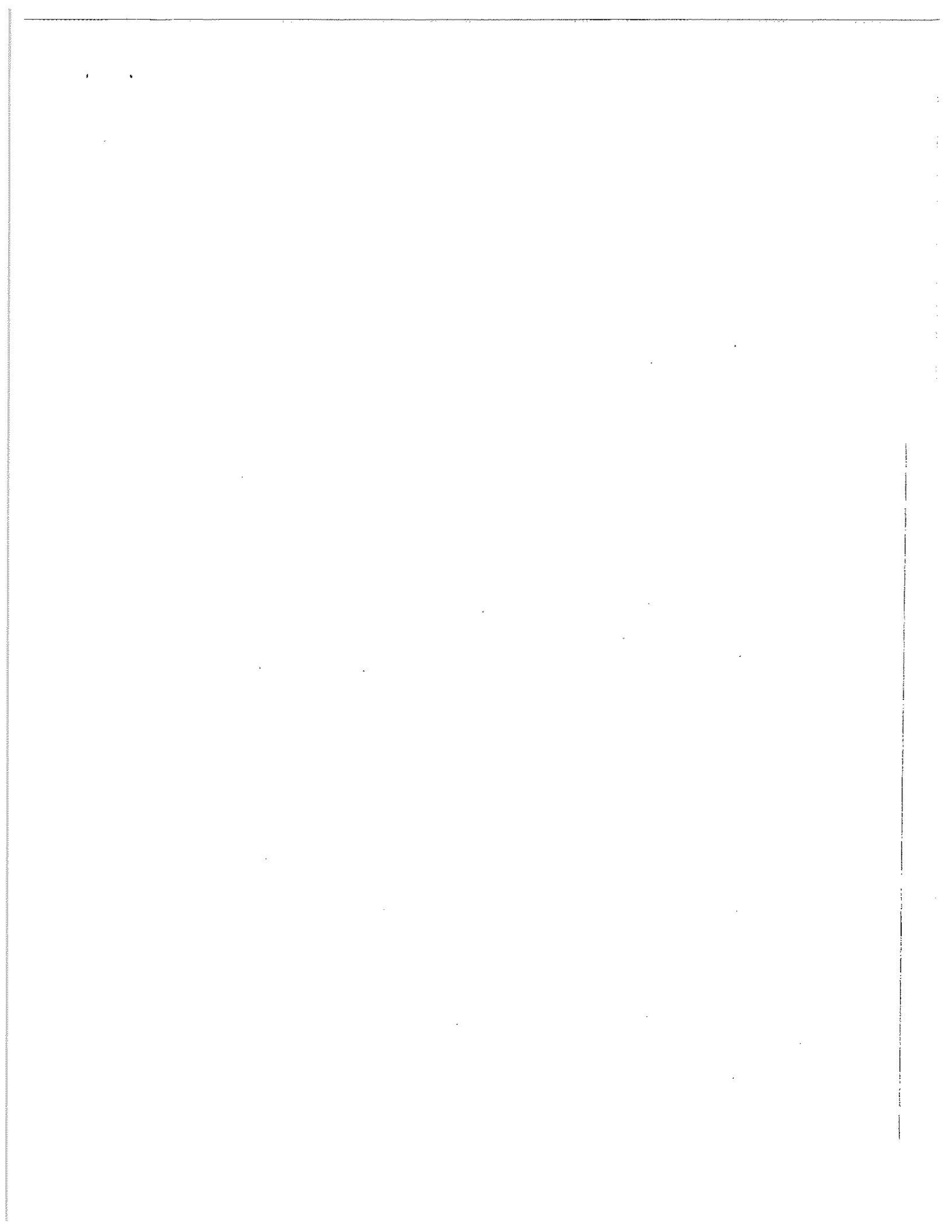
CONTRACTOR'S NAME	Sidney Lex Felker, P.C.
--------------------------	-------------------------

Contractor certifies that they possess the following minimum qualifications and shall provide the requested documents that substantiate their satisfaction of the Minimum Qualifications. Failure to provide the information required by these Minimum Qualifications and required to substantiate *responsibility* may be cause for the offeror's proposal to be rejected as *Non-Responsive*.

Provide documented and verifiable evidence that your firm satisfies the following Minimum Qualifications, and indicate what/if attachments are submitted.

MQ#	MQ TITLE	MQ DESCRIPTION	CHECK <input checked="" type="checkbox"/> appropriate response
1	Responsible	Attorney has been admitted to practice law in the State of Arizona and is in good standing with Arizona State Bar and for the duration of the contract will maintain good standing.	Yes <input checked="" type="checkbox"/> attached is a <u>current</u> Certificate of Good Standing as issued by the Supreme Court of Arizona, Attorney Discipline Unit. Attorney Name: <u>Donna M. Aversa</u> NOTE: Attorney stated herein shall be the same for purposes required by this solicitation.
2	Attorney Experience	Attorney providing services must have at least five (5) years' experience providing legal services in the area of public, administrative and employment law.	Yes <input checked="" type="checkbox"/> attached is a CV attesting to a minimum of five (5) years of relevant experience as required by this MQ 2.
3	Employment Law Suit Experience	Attorney shall provide at least three references for employment lawsuits that the Attorney has taken to trial or settlement.	Yes <input checked="" type="checkbox"/> Attachment 4 is completed and included as part of the proposal. It documents a minimum of three (3) employment lawsuits taken to trial or settled.
4	Conflict of Interest	I certify that I am not presently employed by Pima County (at the time of proposal submittal and for the duration of the contract) and that I have no conflict of interest in providing the requested services.	Yes <input checked="" type="checkbox"/> certify agreement with MQ. N/A <input type="checkbox"/>
5	Prior Pima County Employment	I am a former Public Defender, Legal Defender or Deputy County Attorney and did not serve five years of continuous employment with Pima County. I certify that at least one-year has transpired since employment with the County in the capacity as	Yes <input type="checkbox"/> certify agreement with MQ N/A <input checked="" type="checkbox"/>

END OF ATTACHMENT 2



ATTACHMENT 3: QUESTIONNAIRE – ATTORNEY EXPERIENCE – Revised

CONTRACTOR'S NAME	Sidney Lex Felker, P.C.
-------------------	-------------------------

This section of the Questionnaire contains questions pertaining to **Attorney Experience**. Comments to questions must be in the form of a thorough narrative. The evaluation committee will assign points to responses, any comments and/or supporting documents included, taking into consideration the Scope of Services, Specifications and the needs of the County.

Below are twelve (12) questions. Provide response by placing a check in the appropriate space indicated by YES or NO. Provide comments in the space indicated as COMMENTS. Space provided for comments will automatically adjust and should not exceed two (2) full pages. Indicate in comments if supporting documents are attached i.e. sample report. Be sure to clearly site the title of the attached document in the Comment and ensure the exact title is clearly marked on the attached document.

1	Number of years directly involved in advising public entities?
Comments	
24	

2	Does the firm provide continuing education to ensure that staff is educated on current market trends and legislative developments?
Response	
Does the firm provide continuing education to ensure that staff is educated on current market trends and legislative developments? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

3	If the response to question 2 is YES, describe the continuing education program provided by your firm and how such information is communicated to your clients?
Comments	
Review applicable rules/statutes and changes impacting clients and ongoing matters.	

4	Provide the Name of the Attorney that will be providing services pursuant to this contract.
Comments	
First Name	Donna
Last Name	Aversa

Questions 5,6,7,8,9, and 10 pertain to the Attorney(s) listed above.

5	Attorney shall state experience in interpreting and applying legislation, ordinances and/or administrative rules and procedure.
Comments	
<ul style="list-style-type: none"> • <u>Since 1987</u> – representing private and public sector in a variety of legal matters requiring applying and interpreting statutes, rules and procedures • <u>Since 1990</u> – teaching and lecturing on business law, employment law, open meeting law, and public records requiring discussion and interpretation of updates in case law, statutes, rules and procedures • <u>Reported Cases</u> – <ul style="list-style-type: none"> <i>Southwest Ambulance/Northwest Fire District v. Maricopa County/Rural Metro Corp.</i>, 928 P.2d 714 (Ariz. App. 1996) <i>Northwest Fire District v. City of Tucson</i>, 912 P.2d 1331 (Ariz. App.) 1995 	

6	Attorney shall state experience in employment law, including relevant statutory knowledge in that area, as well as any litigation experience in the area of employment law.
Comments	
<p>Pinal County Merit/LEMC</p> <ul style="list-style-type: none"> • Since 2003 – represented Pinal County Employee Merit Commission which included law enforcement officers until formation of the Pinal County Law Enforcement Merit Council • Since 2014 – represented Pinal County Law Enforcement Merit Council • Requires analysis, interpretation and application of: <ul style="list-style-type: none"> • County Policies and Rules on Appeal • A.R.S. § 11-351 et seq. regarding County Employee Merit Systems appeals and ability to use hearing officers • A.R.S. § 38-1001 et seq. and A.R.S. § 38-1101 et seq. regarding Law Enforcement Officers Merit System and Public Safety employees including burden of proof and “just cause” determinations • A.R.S. § 12-901 et seq. regarding Judicial Review of Administrative Decisions • Case Law including the well-cited <i>Harvey</i> and <i>Juarez</i> cases • A.R.S. § 38-431 et seq. regarding Open Meeting Law requirements including conduct of meetings, agendas, minutes, and executive sessions • Approximately 50 administrative hearings completed • Various Appeals/Judicial Reviews of Administrative Decisions • Two Oral Arguments at the Arizona Court of Appeals • <u>Reported Case:</u> <i>Rash v. Town of Mammoth</i>, 315 P.3d 1234 (App. 2013) - Due to a conflict within the Town of Mammoth, the Pinal County Employee Merit Commission heard an appeal of a Mammoth Police Department Officer 	

7	Indicate the appropriate response regarding disciplinary proceeding by the State Bar of Arizona or by the Bar of any other State?
Response:	
Has the Attorney been the subject of a disciplinary proceeding by the:	
State Bar of Arizona? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any other State Bar? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which State Bar? _____	

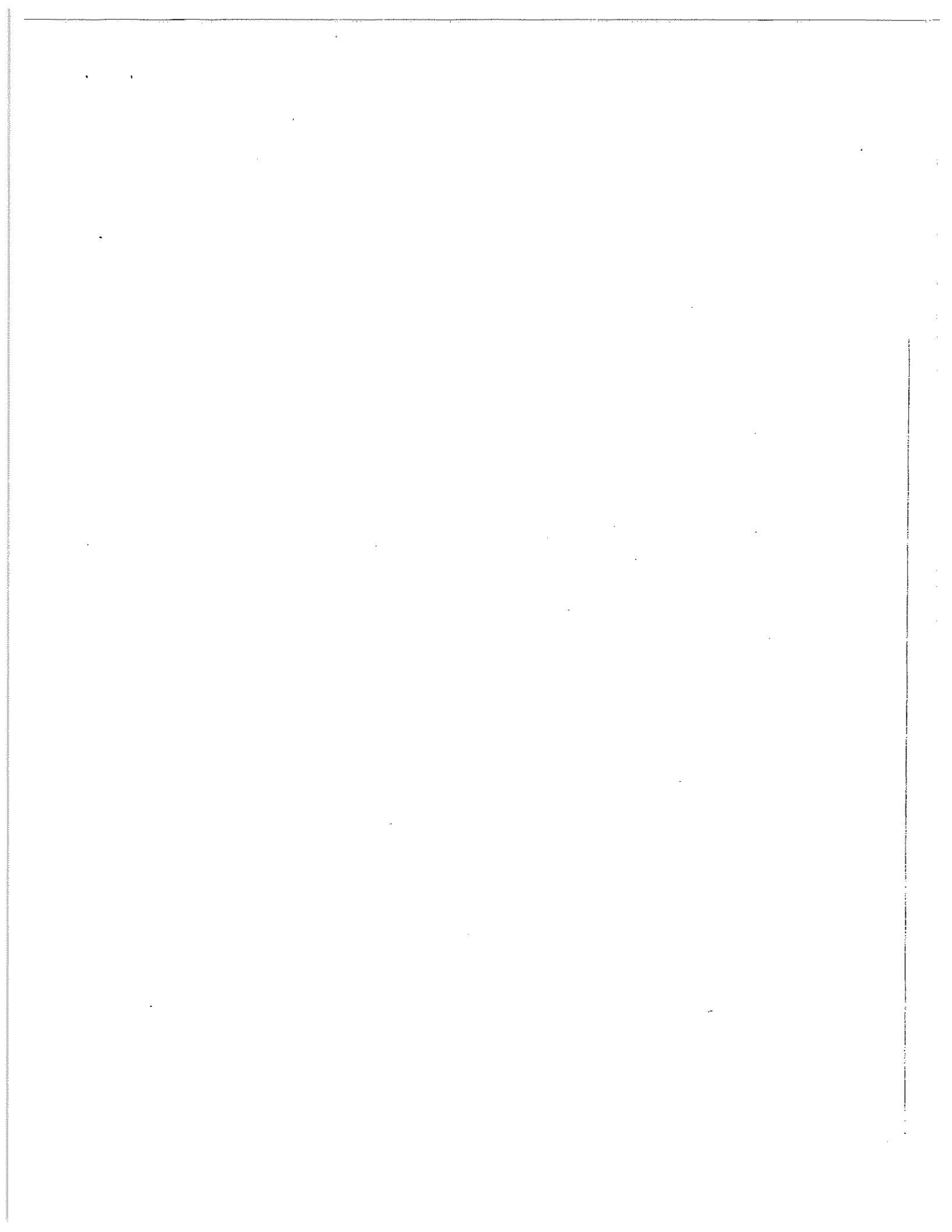
8	Has an appellate court ever ruled that the Attorney rendered ineffective assistance to a client?
Response:	
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

9	If the answer to question 9 is YES, explain briefly why the ruling was rendered.
Comments:	
N/A	

10	During the past ten (10) years, has the Attorney been arrested, summoned, charged or convicted of any criminal offense (excluding minor traffic infractions)?
Response:	
Arrested: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Summoned: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Charged: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Criminal Offense Conviction: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

NOTE: Pima County reserves the right to reject the proposal as non-responsive and non-responsible for attorney who answers in the affirmative to prior criminal charges and/or complaints, convictions, or upon the completion of any type of deferred prosecution which constitutes a conviction on the underlying criminal charge within the last five years, subject to appeal to the Board of Supervisors

END OF ATTACHMENT 3



ATTACHMENT 4: QUESTIONNAIRE – ATTORNEY LAWSUIT REFERENCES - Revised

CONTRACTOR'S NAME	Sidney Lex Felker, P.C.
--------------------------	-------------------------

This section of the Questionnaire contains questions pertaining to **Attorney Lawsuit References**. Attorney shall provide a brief history of not more than three employment lawsuits that the Attorney has taken to trial, settlement or any other disposition such as a summary judgment, appeal of an administrative matter, and/or dismissal. Names and phone numbers (current) of the parties involved must be provided; these people may be called for references. Identify which party was represented by you.

1	Lawsuit: Chavez v. Pinal County Employee Merit Commission, Pinal County Superior Court Case No. S1100CV201500911
	Taken to Trial Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Settlement Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Any other disposition Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Party Represented by Attorney: Pinal County Employee Merit Commission
	First Name _____ Last Name _____
	Current Phone Number Attn: Kris Carver, Pinal County HR (520)866-6230
	Other Party Name (First and Last): Jeffrey Jacobson, Attorney for Chavez
	Current Phone Number: (520)834-8034
	Brief History of this lawsuit or any other disposition
	Pinal County Animal Control was represented by then Deputy County Attorney Bryan Quesenberry. Mr. Quesenberry now practices in Provo, Utah. Phone 801-375-6600.
	In September 2014, Chavez appeal termination of his employment as a supervisor at Pinal County Animal Control. Following a four-day evidentiary hearing, the Commission denied Chavez' appeal and upheld the termination.
	Chavez appealed the Commission's decision to Superior Court. On January 4, 2016, the Superior Court found the Commission's decision was supported by substantial evidence and upheld the Commission's decision.

2	Lawsuit: Pinal County v. Pinal County Employment Merit Commission/Farrell, Pinal County Superior Court Case No. S1100CV201501109
	Taken to Trial Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Settlement Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Any other disposition Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Party Represented by Attorney: Pinal County Employee Merit Commission
	First Name _____ Last Name _____
	Current Phone Number Attn: Kris Carver, Pinal County HR (520)866-6230
	Other Party Name (First and Last): see information below
	Current Phone Number: _____
	Brief History of this lawsuit or any other disposition
	Pinal County Public Health Department was represented at the Commission by then Deputy County Attorney Bryan Quesenberry. Mr. Quesenberry now practices in Provo, Utah. Phone (801)375-6600. Jim Jellison of Phoenix represented Public Health during the appeal to Superior Court. Phone: (602)277-0157.
	Farrell was represented by Samuel Richardson of Mesa, AZ. Phone (480)276-0409.
	In April 2015, Farrell appealed her demotion within the Pinal County Public Health Department. Following a three day hearing, the Commission granted Farrell's appeal.
	Public Health appealed the decision to the Superior Court. On February 11, 2016, the Superior Court reversed the Commission and affirmed the discipline. The Superior Court found the Commission did not defer to Public Health, instead substituting its own judgment in finding Farrell's admitted conduct did not warrant

appeal.

3	Lawsuit: Sheriff's Office v. Tyrone Morgan, Pinal County Superior Court Consolidated Case Nos. S110CV20120064 and S110CV201201539; Special Action by Division 2 of the Arizona Court of Appeals in Case No. 2 CA-SA 2013-0070
	Taken to Trial Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Settlement Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Any other disposition Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Party Represented by Attorney: Pinal County Employee Merit Commission
	First Name _____ Last Name _____
	Current Phone Number Attn: Kris Carver, Pinal County HR (520)866-6230
	Other Party Name (First and Last): see information below
	Current Phone Number: _____
Brief History of this lawsuit or any other disposition	
PCSO was represented by then Deputy Pinal County Attorney Cathy Bohland, currently Town Prosecutor for Town of Gilbert. Phone: 480-6357900. PCSO was also represented by Patrick Camunez, currently Interim Director of Pinal County Human Resources. Phone: (520)866-6230.	
Morgan was represented by Denis Fitzgibbons of Casa Grande. Phone: (520)426-3824.	
In 2011, then Deputy Morgan appealed his suspension and demotion by the Pinal County Sheriff's Office (PCSO). Following a hearing, the Commission upheld the demotion but granted Morgan's appeal on the suspension. Morgan appealed the decision to the Superior Court.	
The Superior Court remanded to the Commission for a determination "just cause" within ARS Sec. 38-1104.	
PCSO filed its Petition For Special Action with the Arizona Court of Appeals regarding the Superior Court's remand. The Petition was denied.	
PCSO terminated Morgan's employment while Morgan was on "disciplinary probation." Morgan then appealed his termination to the Commission. The Commission determined it had no jurisdiction over Morgan's second appeal.	
On remand, the Commission dismissed Morgan's appeal as Morgan had sought and received a medical retirement that predated the date of his termination.	

END OF ATTACHMENT 4



ATTACHMENT 5: QUESTIONNAIRE – ATTORNEY PUBLIC SECTOR REFERENCES

Please furnish a list of a minimum of three (3) verifiable PUBLIC SECTOR REFERENCES, all of which are able to comment on your relevant experience.

Name of Contractor/Attorney for whom reference is given: Donna M. Aversa

Reference 1>

Agency Name: Pinal County - Human Resources

Contact Name and Title: Patrick Camunez, Interim Director

Contact Telephone number: (520)866-6231 E-Mail address: Patrick.Camunez@pinalcountyz.gov

Size of the Agency (i.e. number of employees): approx 1,800

Services have been provided from (month/year) 2003 to present.

Estimated number of lawsuits represented by the Attorney: approx 50 administrative hearings

In the space below, provide a brief description of services provided, include and provide historical data.

Represented the Pinal County Employee Merit Commission and Law Enforcement Merit Council in administrative hearings and appeals.

Reference 2>

Agency Name: Pinal County - Human Resources

Contact Name and Title: Cathy Bohland, Former Director

Contact Telephone number: (480)635-7900 E-Mail address: _____

Size of the Agency (i.e. number of employees): approx 1,800

Services have been provided from (month/year) 2003 to present

Estimated number of lawsuits represented by the Attorney: approx 50 administrative hearings

In the space below, provide a brief description of services provided, include and provide historical data.

Represented the Pinal County Employee Merit Commission and Law Enforcement Merit Council in administrative hearings and appeals.

Reference 3>

Agency Name: Superstition Fire & Medical District

Contact Name and Title: Paul Bourgeois, Fire Chief / Brett Broman, Assistant Chief

Contact Telephone number: (480)982-4440 E-Mail address: Paul.bourgeois@sfmd.az.gov Brett.broman@sfmd.az.gov

Size of the Agency (i.e. number of employees): approx 200

Services have been provided from (month/year) 1995 to present

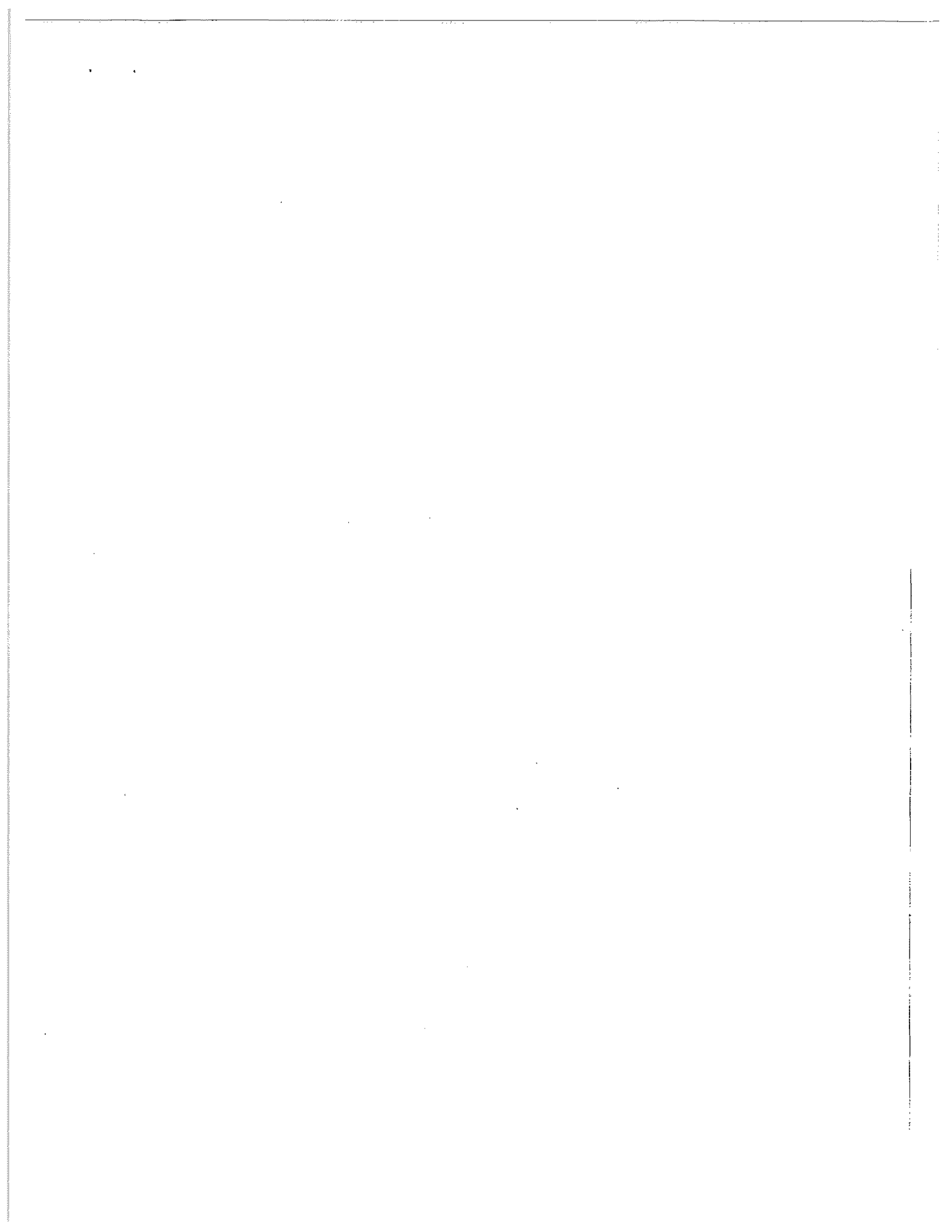
Estimated number of lawsuits represented by the Attorney: approx 5 administrative hearings at the Arizona Office of Administrative Hearings

In the space below, provide a brief description of services provided, include and provide historical data.

Represented Superstition Fire & Medical District as general counsel including attending Board meetings, advising regarding employment matters, open meeting law and a variety of topics impacting a governmental entity.

NOTE: Pima County reserves the right to contact references to substantiate responsibility and satisfactory performance of the Attorney. Failure to provide current contact information which hinders the timely ability for County to conduct a review with the reference may result in proposal being deemed non-responsive.

END OF ATTACHMENT 5



ATTACHMENT 6: QUESTIONNAIRE – SUSTAINABILITY

CONTRACTOR'S NAME	Sidney Lex Felker, P.C.
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SUSTAINABILITY

Pima County values and encourages sustainable practices. Does your business incorporate?
(Place a check mark in the appropriate box if not applicable state N/A):

- Waste prevention/reduction or material recycling/reuse?
- Alternative energy/fuels (such as solar/wind energy, bio-diesel, alternative fuels, hybrid vehicles) in your program's preparation, transportation, and demonstration?
- Environmentally preferable materials (such as recycled materials; locally produced/manufactured products)?
- Sustainable practices that lessen impact on non-renewable resources and global climate change (such as reduction in water/energy/paper use; minimization of hazardous materials; use of compressed/flexible work schedules)?
- Other practices which coincide with the County's definition of sustainable practices (such as alternative modes of transportation; transportation minimization; life-cycle costs; product/packaging "take back" practices; preference to firms located within Pima County)?

END OF ATTACHMENT 6

RFP 228614 - Merit Systems Legal Representation
 Addendum 2 - EXHIBIT B: Cost Schedule - Revised
 (Net 30 day Payment Terms)

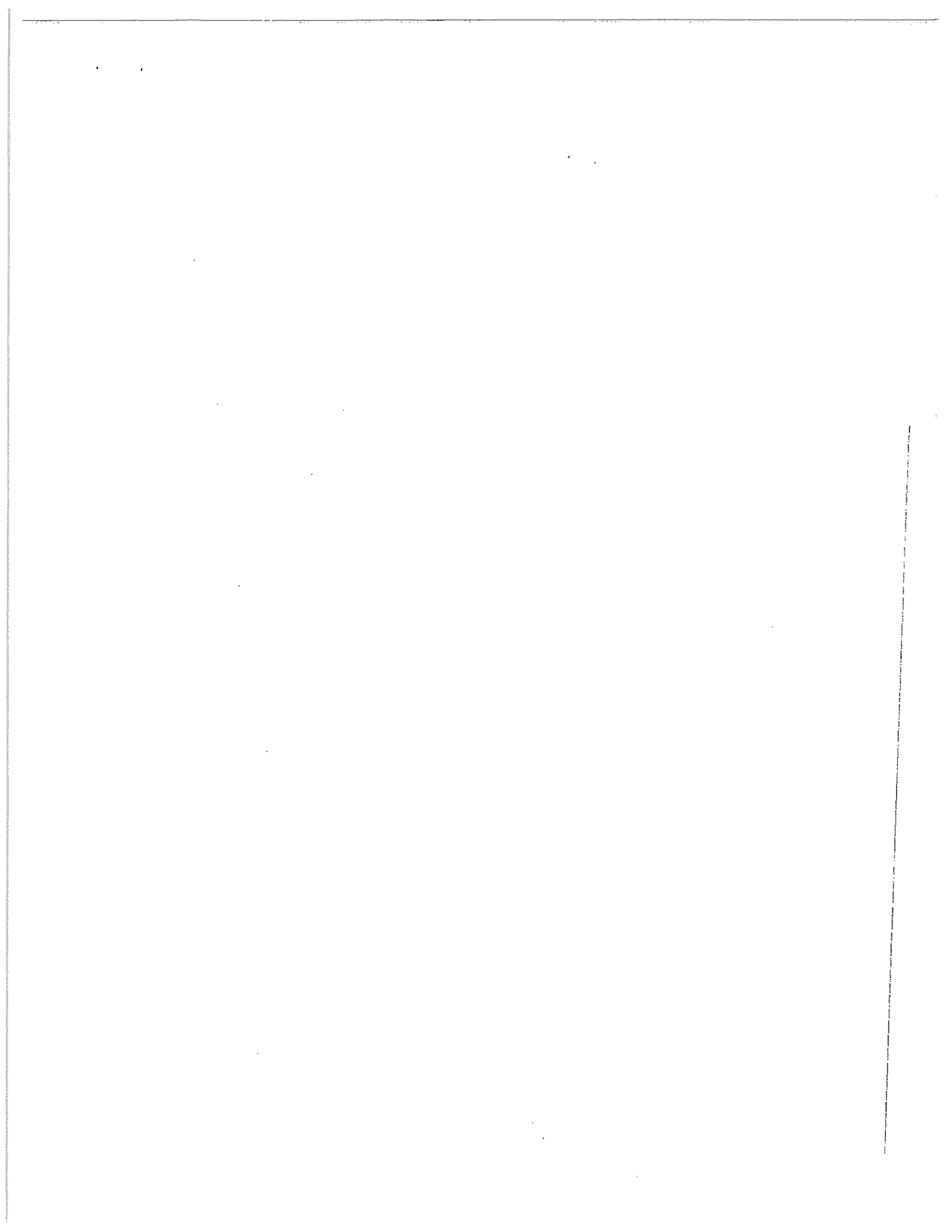
ITEM #	ITEM NAME Items to include and satisfy all Solicitation & Offer Agreement requirements, General & Item Specifications	ESTIMATED ANNUAL USAGE QUANTITY	UOM	UNIT PRICE \$	EXTENDED AMOUNT \$
1	Attorney	120	Hourly	\$185.00	\$22,200.00
2	Law Clerk/Paralegals	10	Hourly	\$75.00	\$750.00
3	Ancillary Services from Master Price List	1	LOT	As Billed	\$1,000.00
				TOTAL BID	\$23,950.00

Master Price List of Ancillary Services

ITEM #	ITEM NAME Items to include and satisfy all Solicitation & Offer Agreement requirements, General & Item Specifications	No Charge	Actual Cost (as billed by 3rd Party)	Your Firm's Fee (if Applicable)
4	Long Distance Telephone Calls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$
5	Photocopies in-house	<input type="checkbox"/>	N/A	\$0.05/page
6	Outside Printing Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$
7	Postage, Express Mail, USPS etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$
8	Facsimile - in house	<input checked="" type="checkbox"/>	N/A	\$
9	Messenger Service	<input checked="" type="checkbox"/>		\$
10	Computerized Legal Research (Westlaw, Lexis Etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$
11	Expert of Other Professional Services: In the event complete representation requires the services of an expert or the services of a professional which cannot be provided by the firm.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
12	Court Related Charges: To include the expense of litigation, court reporter services for dispositions; expert witness testimony and/or reports for trial; jury fees; witness fees; outside preparation of any and all extraordinary exhibits or trial preparations which the firm is unable to produce internally	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
13	Travel (outside Pima County), Air Fare (coach), car rental, meals and lodging.	N/A	Yes	N/A

List any Additional Costs that may be required.

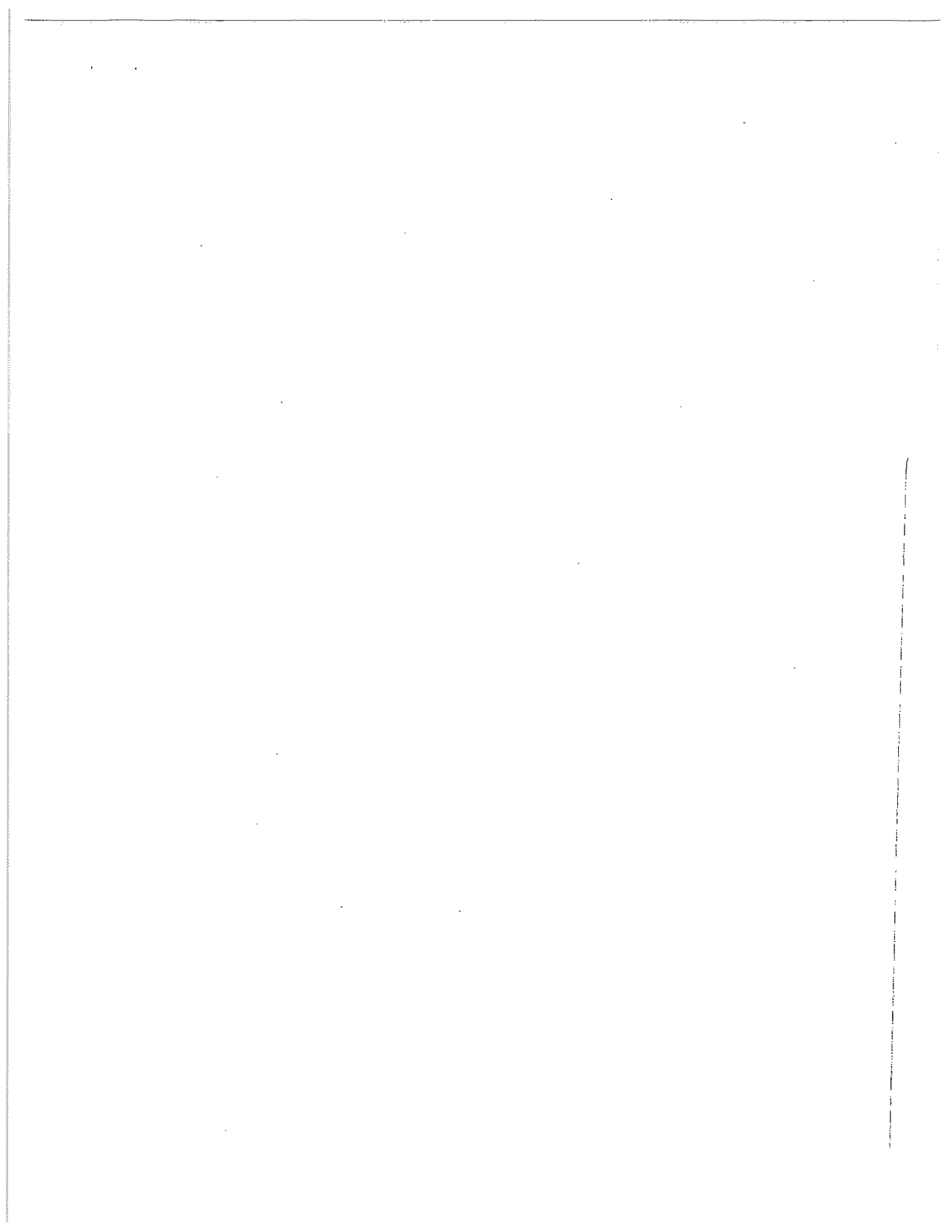
Indicate the Item Name, Description, Unit of Measure (UOM)	No Charge	Actual Cost (as billed by 3rd Party)	Your Firm's Fee (if Applicable)
14	<input type="checkbox"/>	<input type="checkbox"/>	
15	<input type="checkbox"/>	<input type="checkbox"/>	
16	<input type="checkbox"/>	<input type="checkbox"/>	
17	<input type="checkbox"/>	<input type="checkbox"/>	
18	<input type="checkbox"/>	<input type="checkbox"/>	



ATTACHMENT 7: QUESTIONNAIRE – Cost Schedule - Revised

Please complete the excel spreadsheet. Include in original hardcopy submittal a printed copy of the Cost Schedule and provide a copy in the electronic submission as well.

This form has been revised to break-out pricing for Attorney and Paralegal/Law Clerk.



Donna M. Aversa
Sidney Lex Felker, P.C.
dba: Leonard & Felker, P.L.C.
7440 N. Oracle Road, Bldg. 2
Tucson, AZ 85704
(520) 742-0440
fax: (520)622-7337
dmaversa@slfpc.com

Objectives:

- To provide quality legal services to the Pima County Merit System Commission and the Pima County Law Enforcement Merit System Council
- To work with volunteer Commissioners and Council Members who are dedicated to community service
- To work with Pima County's professional Human Resources staff

Biography:

Donna Aversa is a partner in the Tucson based law firm Leonard & Felker, P.L.C., where she has practiced law since 1987.

To complement her law practice, Donna spent over ten years as an adjunct faculty member for the Tucson Campus of the University of Phoenix teaching graduate and undergraduate classes in business law, employment law and ethics. She is a regular presenter at the annual Pinal County Special District Meeting, annual Arizona Fire District Association's Winter Conference and Summer Conference. She has presented at the International Association of Women in Fire & Emergency Services and the International Association of Fire Chiefs' Fire Rescue International conferences.

Donna is an occasional contributor to *Fire Chief* magazine and *Fire Rescue* magazine. You may see an old picture and get specifics on her professional credentials at Avvo.com.

In addition to sending her to a bazillion meetings, administrative hearings, Superior Court and occasionally to the Arizona Court of Appeals her fire service clients have sent her into a live burn simulator (with turnout gear), put her on a 100 foot platform (with a harness) and sent her to firework shooter school (with ear and eye protection). She still has all her fingers and decent hearing.

Work Experience:

1987 to present: Attorney, Leonard & Felker, P.L.C.
1990 - 2003 Adjunct Faculty, University of Phoenix, Tucson Campus

Education:

1987 J.D., University of Arizona College of Law

Professional Associations:

1987 to present State Bar of Arizona
Member, Employment Law Section
1987 to present Pima County Bar Association
1995 to present Arizona Fire District Association, Lifetime Member
Member, Education Committee
2008 to present International Association of Women in Fire and Emergency Services

Publications:

- "Putting In Place Document Retention," *Employment Law: 2015 Comprehensive Guide*, 2015
- "A Look Back at Liability: The Interplay of Criminal Prosecution and Civil Litigation," *Fire Rescuel Magazine*, 2014
- "Insurance Coverage: 3 Questions to Remember When Your Insurance Carrier Undertake Defense Under a Reservation of Rights," *Fire Chief Magazine*, 2014
- "Employment Law from A to Z in Arizona," Lorman Educational Services, 2004

Speaking Engagements:

2016 *Open Meeting Law*, Arizona Fire District Association, Winter Conference
2016 *Ethics & Fiduciary Responsibilities*, Arizona Fire District Association, Winter Conference
2016 *Governance*, Arizona Fire District Association, Winter Conference
2016 *Open Meeting Law*, Pinal County Special District Meeting
2015 *Open Meeting Law*, Arizona Fire District Association, Winter Conference
2015 *Ethics & Fiduciary Responsibilities*, Arizona Fire District Association, Winter Conference
2015 *Governance*, Arizona Fire District Association, Winter Conference
2015 *Governance*, Arizona Fire District Association, Summer Conference

- 2015 *Ethics & Fiduciary Responsibilities*, Arizona Fire District Association, Summer Conference
- 2015 *Open Meeting Law*, Arizona Fire District Association, Summer Conference
- 2015 *Open Meeting Law*, Pinal County Special District Meeting
- 2015 *Document Retention*, Employment Law 2015
- 2014 *Open Meeting Law*, Arizona Fire District Association, Winter Conference
- 2014 *Legal Roundtable*, Arizona Fire District Association, Summer Conference
- 2014 *Open Meeting Law*, Pinal County Special District Meeting
- 2013 *Board Member's Roles and Responsibilities*, Arizona Fire District Association, Winter Conference
- 2013 *Legal Roundtable*, Arizona Fire District Association, Summer Conference
- 2013 *Open Meeting Law*, Pinal County Special District Meeting
- 2013 *Yes! One Lawyer's Notes on Leadership and Culture by Using the Rules of Improvisational Comedy in the Fire Service*, Fire Rescue International
- 2012 *Fire District Issues*, Pinal County Special District Meeting
- 2011 *Unfriend Me! Just Say No to Shanks & Pranks*, Fire Rescue International
- 2009 *Your Employee Did What?* International Association of Women in Fire & Emergency Services
- 2009 *Human Resources Box of Chocolates, Q&A*, International Association of Women in Fire & Emergency Services
- 2008 *Employment Law from A to Z in Arizona*, Lorman Education Services
- 2008 *From the Firehouse to the Poorhouse to the Jailhouse*, Fire Rescue International
- 2003 *Employment Law from A to Z in Arizona, 2004*, Lorman Education Services

Representative Clients:

The following can provide references regarding Donna's experience with employment matters including internal administrative hearings, appeals to the Arizona Office of Administrative Hearings, appeals to Superior Court, and appeals to the Arizona Court of Appeals in addition to experience with open meeting laws and public record requirements.

2003 – Present Pinal County Employee Merit Commission (including Law Enforcement employees) and since 2014 the separate Pinal County Law Enforcement Merit Council

Patrick Camunez, Interim Director
Pinal County Human Resources
31 N. Pinal Street, Building A
Florence, AZ 85132
(520)866-6230

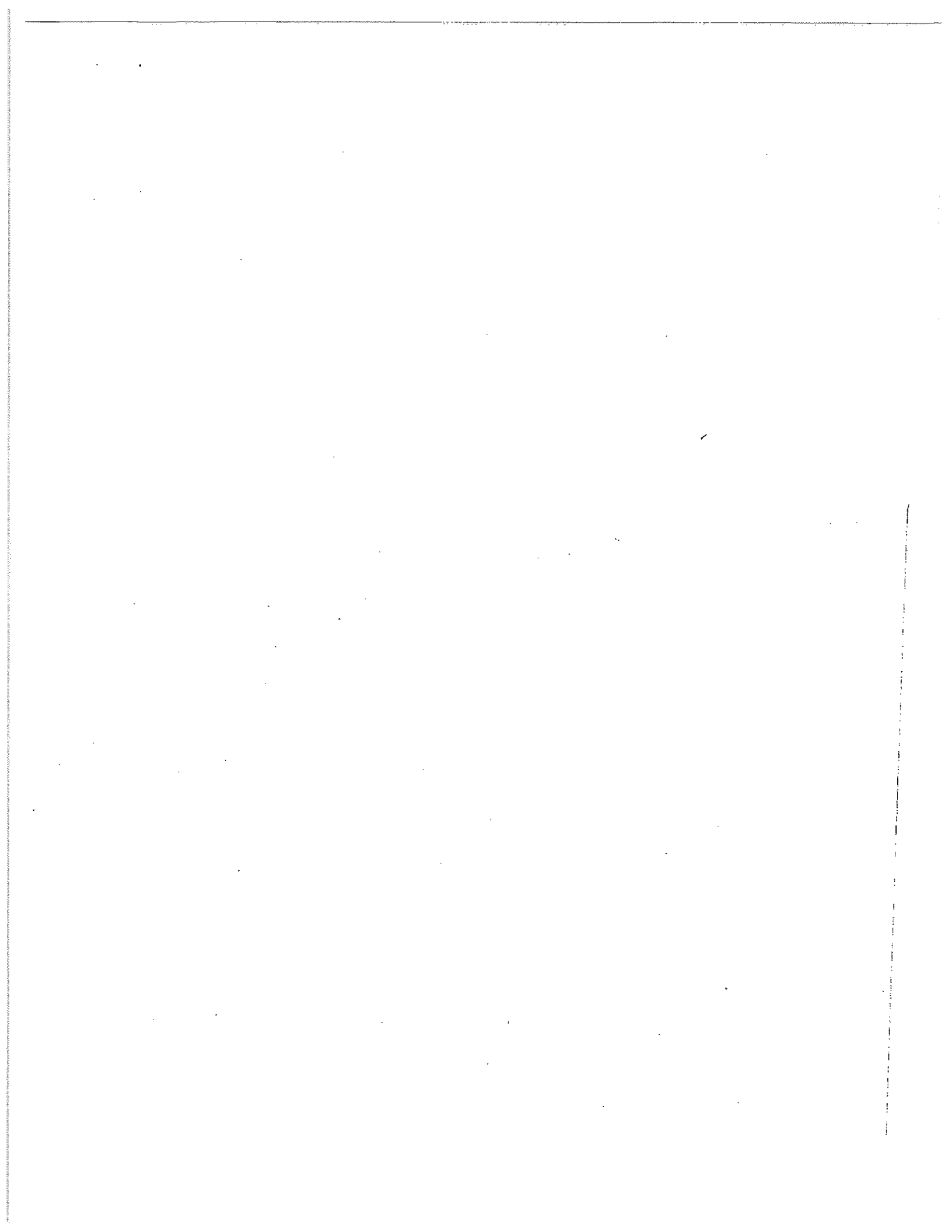
Cathy Bohland
(former Director of Pinal County Human Resources)
Prosecutor, Town of Gilbert
55 E. Civic Center Drive, #201
Gilbert, AZ 85296
(480) 635-7900

20 Years or More

Golder Ranch Fire District
Randy Karrer, Fire Chief
3883 E. Golder Ranch Drive
Tucson, AZ 85739
(520) 825-9001

Picture Rocks Fire District
Brett Lane, Fire Chief
12121 W. Picture Rocks Road
Tucson, AZ 85743
(520) 682-7878

Superstition Fire & Medical District
(Formerly Apache Junction Fire District)
Paul Bourgeois, Fire Chief
Brett Broman, Assistant Chief
565 N. Idaho Road
Apache Junction, AZ 85119
(480) 982-4440

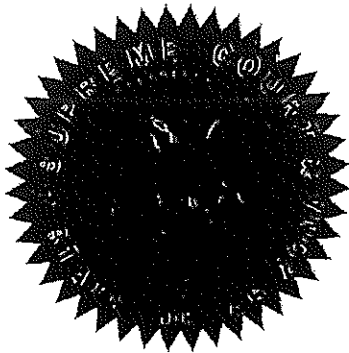


**CERTIFICATE OF THE CLERK OF THE SUPREME COURT
OF THE
STATE OF ARIZONA**

I, Janet Johnson, Clerk of the Supreme Court of the State of Arizona, hereby certify that, according to the records of my office and upon the recommendation of the Disciplinary Clerk of the Supreme Court of Arizona

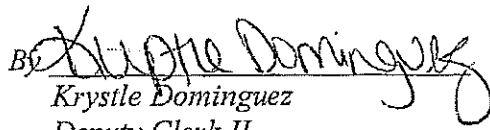
DONNA MARIE AVERSA

was on the 24th day of October, 1987 duly admitted to practice as an Attorney and Counselor at Law in all the courts of Arizona; that no disciplinary proceedings are pending against this attorney in the Arizona Supreme Court as of the date of this certificate; and that this name now appears on the Roll of Attorneys in this office as an active member of the Bar in good standing.



Given under my hand and the seal of said Court this 20th day of September, 2016.

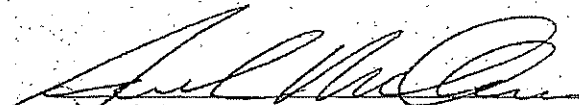
JANET JOHNSON, Clerk

BY 
Krystle Dominguez
Deputy Clerk II

CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **DONNA MARIE AVERSA** duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona October 24, 1987 and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.

Given under the seal of the Disciplinary
Clerk of the Supreme Court of Arizona
this September 16, 2016.



Amanda McQueen
Disciplinary Clerk



Solicitation # 228614

Merit Systems Legal Representation

**Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal
Representation
Solicitation Number: 228614**

Procure Dept 09/23/16 PH020

FILE COPY

ORIGINAL

Table of Contents

Attachment 1: Contractor/Offeror Certification Form

Attachment 2: Minimum Qualifications Verification Form

Attachment 3: Questionnaire – Attorney Experience Form

Attachment 4: Questionnaire – Attorney Lawsuit Reference Form

Attachment 5: Questionnaire – Attorney Public Sector Reference Form

Attachment 6: Questionnaire – Sustainability

Attachment 7: Cost Schedule – Excel Spreadsheet

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

Solicitation # 228614

Merit Systems Legal Representation

Attachment 1

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

ATTACHMENT 1: CONTRACTOR/OFFER CERTIFICATION FORM
--

CONTRACTOR LEGAL NAME:		DeConcini McDonald Yetwin & Lacy, P.C.					
BUSINESS ALSO KNOWN AS:		DeConcini McDonald					
MAILING ADDRESS:		2525 E. Broadway Blvd., Ste. 200					
CITY:	Tucson	STATE:	Arizona	ZIP CODE:	85716		
Primary CONTACT PERSON During term of the solicitation/RFP process:							
Name and Title		Barry M. Corey					
Phone Number	(520) 322-5000	Email Address	bcorey@dmyl.com		Fax #	(520) 322-5585	
INVOICES:							
REMIT TO ADDRESS:		2525 E. Broadway Blvd., Ste. 200					
CITY:	Tucson	STATE:	Arizona	ZIP CODE:	85716		
CONTACT PERSON NAME: (first, last)		La Donna Carnell		TITLE:	Account Clerk		
PHONE:	(520) 322-5000	FAX:	(520) 322-5585				
CONTACT PERSON EMAIL ADDRESS:		lcarnell@dmyl.com					
DELIVERY ORDERS & CONTRACTS SHALL BE TRANSMITTED:							
CONTACT PERSON NAME (first, last)		Barry M. Corey		TITLE:	Attorney		
PHONE:	(520) 322-5000	FAX:	(520) 322-5585				
CONTACT PERSON EMAIL ADDRESS:		lcarnell@dmyl.com					
CORPORATE HEADQUARTERS LOCATION:							
STREET ADDRESS:		2525 E. Broadway Blvd., Ste. 200					
CITY:	Tucson	STATE:	Arizona	ZIP CODE:	85716		

ACKNOWLEDGEMENT of SOLICITATION ADDENDA:

Contractor acknowledges that the following solicitation addenda have been incorporated in its offer and this contract:

Addendum #	Date	Addendum #	Date	Addendum #	Date
01	August 30, 2016				
02	September 15, 2016				

SMALL BUSINESS ENTERPRISE (SBE) CERTIFICATION:

CONTRACTOR Is your firm SBE certified as defined by the solicitation's 'Instruction To Bidders'? Yes No X (Select one)

If 'Yes', have you included your certification document? Yes No (Select one)

NOTE: If the SBE Certification document is not submitted with your bid the SBE Preference cannot be applied

By signing and submitting these FORMS AND DOCUMENTS AS REQUIRED BY THIS SOLICITATION, the undersigned certifies that they are legally authorized to represent and bind the "CONTRACTOR" to legal agreements, that all information submitted is accurate and complete, that the firm has reviewed the Procurement website for solicitation addenda and incorporated to their offer, that the firm is qualified and willing to provide the items and services requested, and that the firm will comply with all requirements of the solicitation.

AUTHORIZED CONTRACTOR REPRESENTATIVE EXECUTING OFFER			
SIGNATURE:		DATE:	
Barry M. Corey		Attorney	
PRINTED NAME	TITLE		Attorney
PHONE:	(520) 322-5000	EMAIL ADDRESS:	bcorey@dmyl.com

End of Attachment 1

Solicitation # 228614

Merit Systems Legal Representation

Attachment 2

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

ATTACHMENT 2: MINIMUM QUALIFICATIONS FORM
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CONTRACTOR'S NAME	DeConcini McDonald Yetwin & Lacy, P.C.
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Contractor certifies that they possess the following minimum qualifications and shall provide the requested documents that substantiate their satisfaction of the Minimum Qualifications. Failure to provide the information required by these Minimum Qualifications and required to substantiate *responsibility* may be cause for the offeror's proposal to be rejected as *Non-Responsive*.

Provide documented and verifiable evidence that your firm satisfies the following Minimum Qualifications, and indicate what/if attachments are submitted.

MQ#	MQ TITLE	MQ DESCRIPTION	CHECK <input checked="" type="checkbox"/> appropriate response.
1	Responsible	Attorney has been admitted to practice law in the State of Arizona and is in good standing with Arizona State Bar and for the duration of the contract will maintain good standing.	Yes <input checked="" type="checkbox"/> attached is a <u>current</u> Certificate of Good Standing as issued by the Supreme Court of Arizona, Attorney Discipline Unit. Attorney Name: <u>Barry M. Corey</u> NOTE: Attorney stated herein shall be the same for purposes required by this solicitation.

MQ#	MQ TITLE	MQ DESCRIPTION	CHECK <input checked="" type="checkbox"/> appropriate response.
2	Attorney Experience	Attorney providing services must have at least five (5) years' experience providing legal services in the area of public, administrative and employment law.	Yes <input checked="" type="checkbox"/> attached is a CV attesting to a minimum of five (5) years of relevant experience as required by this MQ 2.

MQ#	MQ TITLE	MQ DESCRIPTION	CHECK <input checked="" type="checkbox"/> appropriate response.
3	Employment Law Suit Experience	Attorney shall provide at least three references for employment lawsuits that the Attorney has taken to trial or settlement.	Yes <input checked="" type="checkbox"/> Attachment 4 is completed and included as part of the proposal. It documents a minimum of three (3) employment lawsuits taken to trial or settled.

MQ#	MQ TITLE	MQ DESCRIPTION	CHECK <input checked="" type="checkbox"/> appropriate response.
4	Conflict of Interest	I certify that I am not presently employed by Pima County (at the time of proposal submittal and for the duration of the contract) and that I have no conflict of interest in providing the requested services.	Yes <input checked="" type="checkbox"/> certify agreement with MQ. N/A <input type="checkbox"/>

MQ#	MQ TITLE	MQ DESCRIPTION	CHECK <input checked="" type="checkbox"/> appropriate response.
5	Prior Pima County Employment	I am a former Public Defender, Legal Defender or Deputy County Attorney and did not serve five years of continuous employment with Pima County. I certify that at least one-year has transpired since employment with the County in the capacity as	Yes <input type="checkbox"/> certify agreement with MQ N/A <input checked="" type="checkbox"/>

END OF ATTACHMENT 2

CERTIFICATE OF THE CLERK OF THE SUPREME COURT
OF THE
STATE OF ARIZONA

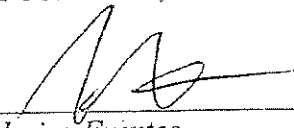
I, Janet Johnson, Clerk of the Supreme Court of the State of Arizona, hereby certify that, according to the records of my office and upon the recommendation of the Disciplinary Clerk of the Supreme Court of Arizona

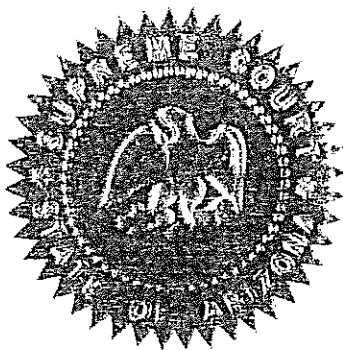
BARRY MARTIN COREY

was on the 23rd day of September, 1967 duly admitted to practice as an Attorney and Counselor at Law in all the courts of Arizona; that no disciplinary proceedings are pending against this attorney in the Arizona Supreme Court as of the date of this certificate; and that this name now appears on the Roll of Attorneys in this office as an active member of the Bar in good standing.

Given under my hand and the seal of said Court this 14th day of September, 2016.

JANET JOHNSON, Clerk

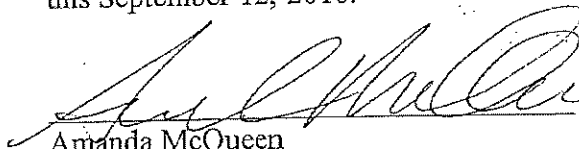
By 
Federico Fuentes
Deputy Clerk II



CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **BARRY MARTIN COREY** duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona September 23, 1967 and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.

Given under the seal of the Disciplinary
Clerk of the Supreme Court of Arizona
this September 12, 2016.



Amanda McQueen
Disciplinary Clerk

ATTACHMENT 2
CURRICULUM VITAE**BARRY M. COREY**

2525 E. Broadway Blvd, Suite 200
Tucson, Arizona 85716-5300
Telephone: (520) 322-5000
Telefacsimile: (520) 322-5585

EducationDegreeDates

University of Colorado

B.A.

1963

Georgetown University
Law Center

J.D.

1966

Work ExperiencePositionDatesDeConcini McDonald Yetwin
& Lacy, P.C.
2525 E. Broadway Blvd, Ste 200
Tucson, AZ 85716-5300
(520)322-5000

Shareholder/Attorney

April 1, 2007-
PresentCorey & Kime, P.C.
Attorneys at Law
711 Transamerica Building
177 North Church Avenue
Tucson, Arizona 85701-1119
(602) 882-4994

President/Attorney

1978- 3/31/07

Previous work experience includes: Law Clerk to Honorable James A. Walsh, U.S. District Court; Assistant City Attorney for the City of Tucson; member of the law firm of Schorr & Karp/Schorr, Karp & Corey.

Professional ActivitiesPositionDatesSuperior Court
Pima County, Arizona

Judge Pro Tempore

1980-2012(?)

Pima County Bar Association

Board Member
President1977-1986
1983-1984Cardozo Society
(Assoc. of Jewish Lawyers)Member
Chair1986-present
1988-1990

State Bar of Arizona

Chair - Annual Convention
Chair - Public Relations Committee1985
1986-1988

American Bar Association

Member

1982-2008

American Judicature Society	Member	1976-2008
American Association for Justice Association of Trial Lawyers of America (National and Arizona)	Member	1978-present
City of Tucson	Commission Member, Merit Selection Commission for Magistrate Appointments	1978-1981

Areas of Past and Present Professional Concentration

Civil Service/Merit System Law - Represents City of Tucson Civil Service Commission (1974-present); Pima County Merit System Commission (1980-1994 and 1998- present); Pinal County Merit System Commission (1990-1992); South Tucson Merit System Commission (2003-present); City of Nogales Appeals Commission (occasional).

Education Law - Represented Amphitheater Unified School District No. 10 of Pima County, Arizona (1981-1998) and numerous other school districts in Southern Arizona on an ad hoc basis. Represented the Arizona Charter Schools Association and lead attorney currently represents numerous Charter (Public) Schools in Southern Arizona.

Employment Law - The clients named above, along with many employees and employers, have created an active practice in employment law.

Personal Injury/Medical Malpractice Law - Has represented numerous individuals in personal injury claims and litigation, including a limited number of medical malpractice cases.

Domestic Relations Law - Has represented numerous individuals in domestic relations proceedings. Author of *About Divorce and Dissolution*, published and distributed by Lawyers and Judges Publishing Company.

<u>Community Activities</u>	<u>Position</u>	<u>Dates</u>
United Way of Greater Tucson	Member - Board of Directors	1982-1995
	Chair - Board of Directors	1990-1991
	Chair - Lawyers Division of Campaign	1979
	Chair - Government Relations Division	1982-1987
	Member - Executive Board	1985-1992
Community Food Bank, Inc.	Co-Founder, Incorporator and Member of the Board of Directors	1975-2015
	President/Board Chair	1979-1981 & 2005-2006
	Pro Bono Attorney	1975

Solicitation # 228614

Merit Systems Legal Representation

Information and Referral Service, Inc.	Incorporator and Member of the Board of Directors Member - Predecessor Committee Chair	1974-1978 1970-1974 1970-1974
Accion 80's!	Former Member - Planning Committee	1982-1984
Arizona Academy	Member Town Hall Participant	1978-present 1989 and 1993
Holy Cross House of Hospitality, Inc.	Member - Board of Directors Executive Board	c.1969-1978 c.1970-1978
Temple Emanu-El	Member	1968-1996
Congregation Chavarim	Member	1996-2007
Jewish Community Foundation	Member - Board of Directors	1991-1997
Jewish Family Service	Member - Board of Trustees	1977-1980
Jewish Federation of Southern Arizona	Member - Board of Directors Chair, Personnel Committee Executive Committee Pro Bono Attorney	1989-1990 2000-2008 2001-2005 2001-2005 10 years

Honors and Awards

Marquis' Who's Who in America - 2001, 2002, 2003, 2004, 2005 Eds.

Marquis' Who's Who in the West

Marquis' Who's Who in the Law

American Biographical Institute's "Notable Americans Award"

Association of Arizona Food Banks "Volunteer Appreciation Award"

Tucson Metropolitan Ministry's "Outstanding Person Award"

Community Food Bank "Founders Award"

Rotary Club of Tucson's "Four-Way Test Award"

Solicitation # 228614

Merit Systems Legal Representation

Attachment 3

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

ATTACHMENT 3: QUESTIONNAIRE – ATTORNEY EXPERIENCE – Revised

CONTRACTOR'S NAME	DeConcini McDonald Yetwin & Lacy, P.C.
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This section of the Questionnaire contains questions pertaining to **Attorney Experience**. Comments to questions must be in the form of a thorough narrative. The evaluation committee will assign points to responses, any comments and/or supporting documents included, taking into consideration the Scope of Services, Specifications and the needs of the County.

Below are twelve (12) questions. Provide response by placing a check in the appropriate space indicated by YES or NO. Provide comments in the space indicated as COMMENTS. Space provided for comments will automatically adjust and should not exceed two (2) full pages. Indicate in comments if supporting documents are attached i.e. sample report. Be sure to clearly site the title of the attached document in the Comment and ensure the exact title is clearly marked on the attached document.

1	Number of years directly involved in advising public entities?
Comments	
Amphitheater School District – 17 years as outside counsel City of Tucson Civil Service Commission – 42 years as outside counsel Pima County Merit System Commission/Law Enforcement Counsel – 34 years as outside counsel	

2	Does the firm provide continuing education to ensure that staff is educated on current market trends and legislative developments? YES
Response	
Does the firm provide continuing education to ensure that staff is educated on current market trends and legislative developments? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In house and outside education programs.	

3	If the response to question 2 is YES, describe the continuing education program provided by your firm and how such information is communicated to your clients?
Comments	
Firm pays for continuing legal education programs for all attorneys and there are regular informal quality assurance meetings.	

4	Provide the Name of the Attorney that will be providing services pursuant to this contract.		
Comments			
First Name	Bary	Last Name	Corey

Questions 5,6,7,8,9, and 10 pertain to the Attorney(s) listed above.

5	Attorney shall state experience in interpreting and applying legislation, ordinances and/or administrative rules and procedure.
Comments	
<p>Civil Service Commission of the City of Tucson: Lead Attorney and the firm and/or Lead Attorney's prior firm have represented the Civil Service Commission of the City of Tucson as its legal counsel in Employee Disciplinary Appeals continuously since 1974. In that capacity, Lead Attorney and/or other attorneys in his firm have advised the Commission and its members on legal matters coming before the commission having to do with employee appeals, including interpretation and application of legislation,</p>	

ordinances and/or administrative rules and procedures, including but not limited to the Open Meeting Law, Public Records Law issues which have arisen regarding these employee appeals, and, all related legal issues pertaining to such appeals. Lead Attorney has provided training and assistance to new Commission members. Representation has included expert advice at any and all hearings, and court representation has occurred in State and Federal trial courts and appellate courts on numerous occasions – probably in excess of fifteen to twenty such law suits over the 42 years of representation. Advice and representation has involved interpretation and application of legislation, ordinances and administrative rules and procedures.

Pima County Merit System Commission/Law Enforcement Merit System Council: Lead Attorney and the firm and/or Lead Attorney's previous firm represented the Pima County Merit System Commission/Law Enforcement Merit System Council, continuously since 1981, with a two year hiatus in the mid 1990s. During the course of this representation, this office has provided advice to the Commission/Council and its members in all matters of public, administrative and employment law coming before the Commission/Council. This advice and representation has included but not been limited to issues involving the Arizona Open Meeting Law, Public Records law, and all matters of public, administrative and employment law coming before the Commission/Council. Includes A.R.S. 38-1001, et. seq., 38-1101, et. seq. and 11-351, et. seq. Expert advice has been provided to the Commission in all of these areas and Lead Attorney and/or other members of this law firm have represented the Commission/Council in numerous court proceedings, including the Arizona Court of Appeals and the Arizona Supreme Court matter referred to previously. Advice and representation has involved interpretation and application of legislation, ordinances and administrative rules and procedures.

Other Merit System Experiences: Lead Attorney and the other members of this law firm probably have more experience representing more Civil Service/Merit Commissions than any other lawyer or law firm in the State of Arizona. In addition to the provision of legal services to the City of Tucson Civil Service Commission and the Pima County Merit System Commission/Law Enforcement Merit System Council indicate above, Lead Attorney and other members of this firm currently provide such service to the Merit System Commission of the City of South Tucson, Personnel Action Review Board of the Town of Marana and have on occasion, provided such services to the Santa Cruz County Merit System Commission, the Pinal County Merit System Commission, the Cochise County Merit System Commission, and the Appeal (Merit System) Commission of the City of Nogales. Advice and representation has involved interpretation and application of legislation, ordinances and administrative rules and procedures.

Amphitheater School District: Lead Attorney was the outside counsel for Amphitheater School District for approximately 17 years, during which all of the services described above were provided.

Other Public Employers: This firm and Lead Attorney represented the Arizona Charter Schools Association in briefing and arguing a case before the Arizona Supreme Court, and approximately fifteen to twenty individual Charter Schools, all of which schools are public bodies under Arizona Law. These public employers are routinely provided advice and representation in connection with a broad variety of employment issues, including discrimination, wage and hour, contract and other issues.

6	Attorney shall state experience in employment law, including relevant statutory knowledge in that area, as well as any litigation experience in the area of employment law.
<p><u>Civil Service Commission of the City of Tucson:</u> Lead Attorney and the firm and/or Lead Attorney's prior firm have represented the Civil Service Commission of the City of Tucson as its legal counsel in Employee Disciplinary Appeals continuously since 1974. In that capacity, Lead Attorney and/or other attorneys in his firm have advised the Commission and its members on legal matters coming before the commission having to do with employee appeals, including interpretation and application of legislation, ordinances and/or administrative rules and procedures, including but not limited to the Open Meeting Law, Public Records Law issues which have arisen regarding these employee appeals, and, all related legal issues pertaining to such appeals. Lead Attorney has provided training and assistance to new Commission members. Representation has included expert advice at any and all hearings, and court representation has occurred in State and Federal trial courts and appellate courts on numerous occasions – probably in excess of fifteen to twenty such law suits over the 42 years of representation. Advice and representation has involved interpretation and application of legislation, ordinances and administrative rules and procedures.</p>	

Pima County Merit System Commission/Law Enforcement Merit System Council: Lead Attorney and the firm and/or Lead Attorney's previous firm represented the Pima County Merit System Commission/Law Enforcement Merit System Council, continuously since 1981, with a two year hiatus in the mid 1990s. During the course of this representation, this office has provided advice to the Commission/Council and its members in all matters of public, administrative and employment law coming before the Commission/Council. This advice and representation has included but not been limited to issues involving the Arizona Open Meeting Law, Public Records law, and all matters of public, administrative and employment law coming before the Commission/Council. Includes A.R.S. 38-1001, et. seq., 38-1101, et. seq. and 11-351, et. seq. Expert advice has been provided to the Commission in all of these areas and Lead Attorney and/or other members of this law firm have represented the Commission/Council in numerous court proceedings, including the Arizona Court of Appeals and the Arizona Supreme Court matter referred to previously. Advice and representation has involved interpretation and application of legislation, ordinances and administrative rules and procedures.

Other Merit System Experiences: Lead Attorney and the other members of this law firm probably have more experience representing more Civil Service/Merit Commissions than any other lawyer or law firm in the State of Arizona. In addition to the provision of legal services to the City of Tucson Civil Service Commission and the Pima County Merit System Commission/Law Enforcement Merit System Council indicate above, Lead Attorney and other members of this firm currently provide such service to the Merit System Commission of the City of South Tucson, Personnel Action Review Board of the Town of Marana and have on occasion, provided such services to the Santa Cruz County Merit System Commission, the Pinal County Merit System Commission, the Cochise County Merit System Commission, and the Appeal (Merit System) Commission of the City of Nogales. Advice and representation has involved interpretation and application of legislation, ordinances and administrative rules and procedures.

Amphitheater School District: Lead Attorney was the outside counsel for Amphitheater School District for approximately 17 years, during which all of the services described above were provided.

Other Public Employers: This firm and Lead Attorney represented the Arizona Charter Schools Association in briefing and arguing a case before the Arizona Supreme Court, and approximately fifteen to twenty individual Charter Schools, all of which schools are public bodies under Arizona Law. These public employers are routinely provided advice and representation in connection with a broad variety of employment issues, including discrimination, wage and hour, contract and other issues.

7	Indicate the appropriate response regarding disciplinary proceeding by the State Bar of Arizona or by the Bar of any other State?
Response	
Has the Attorney been the subject of a disciplinary proceeding by the:	
State Bar of Arizona? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any other State Bar? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which State Bar? _____	

8	Has an appellate court ever ruled that the Attorney rendered ineffective assistance to a client?
Response	
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

9	If the answer to question 9 is YES, explain briefly why the ruling was rendered.
Comments	
N/A	

10	During the past ten (10) years, has the Attorney been arrested, summoned, charged or convicted of any criminal offense (excluding minor traffic infractions)?
Response	
Arrested: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Summoned: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Charged: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Criminal Offense Conviction: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

NOTE: Pima County reserves the right to reject the proposal as non-responsive and non-responsible for attorney who answers in the affirmative to prior criminal charges and/or complaints, convictions, or upon the completion of any type of deferred prosecution which constitutes a conviction on the underlying criminal charge within the last five years, subject to appeal to the Board of Supervisors

END OF ATTACHMENT 3

Solicitation # 228614

Merit Systems Legal Representation

Attachment 4

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

ATTACHMENT 4: QUESTIONNAIRE – ATTORNEY LAWSUIT REFERENCES - Revised
--

CONTRACTOR'S NAME	DeConcini McDonald Yetwin & Lacy, P.C.
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This section of the Questionnaire contains questions pertaining to **Attorney Lawsuit References**. Attorney shall provide a brief history of not more than three employment lawsuits that the Attorney has taken to trial, settlement or any other disposition such as a summary judgment, appeal of an administrative matter, and/or dismissal. Names and phone numbers (current) of the parties involved must be provided; these people may be called for references. Identify which party was represented by you.

1	Lawsuit: <u>Wolkin v. Civil Service Commission of the City of Tucson</u> , 21 Ariz. App. 341, 519 P.2d 194 (App. 1974)
	Taken to Trial Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Settlement Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Any other disposition Yes <input type="checkbox"/> No <input type="checkbox"/>
	Party Represented by Attorney:
	First Name Robert Last Name Wolkin
	Current Phone Number (520) 319-2159
	Other Party Name (First and Last): City of Tucson and Civil Service Commission
	Current Phone Number: (Current Administrative Secretary) Armida Saufley, (520) 837-4178
	Brief History of this lawsuit or any other disposition
	Wolkin was an assistant city attorney who appealed his termination to the Tucson Civil Service Commission, which voted 2-2 and interpreted that vote as a failure of Wolkin to win his appeal. A special action was filed in the Superior Court for the judicial review of the commission's decision, and the Superior Court upheld the commission's decision, but lead council, representing Wolkin, successfully appealed to the Arizona Court of Appeals, which overruled the Superior Court and ruled in favor of lead counsel's client, establishing new law in Arizona as to the burden of proof in such cases.
2	Lawsuit: <u>Chaboya v. American Red Cross US District Court No. CIV95-462-TUC-JMR</u> (1995)
	Taken to Trial Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Settlement Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Any other disposition Yes <input type="checkbox"/> No <input type="checkbox"/>
	Party Represented by Attorney:
	First Name Philip Last Name Chaboya
	Current Phone Number Unknown
	Other Party Name (First and Last): American Red Cross
	Current Phone Number: Unknown as to the Arizona Red Cross offices at that time
	Brief History of this lawsuit or any other disposition
	Chaboya, an employee of the American Red Cross claimed employment discrimination. The Arizona Civil Rights Office investigated, but concluded that there was no discrimination. Suit was, nevertheless, filed in Federal District Court before the Honorable John Roll, now deceased, in which lead council's client won part of the case, and a judgment was entered partially in favor of Chaboya ruling that he had been the victim of discrimination and awarding him damages and attorney's fees.
3	Lawsuit: <u>Pima County and Clarence Dupnik v. Pima County Law Enforcement Merit Systems Council (Harvey)</u> 211 Ariz. 224, 119 P.3d 1027 (2005)
	Taken to Trial Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Settlement Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Any other disposition Yes <input type="checkbox"/> No <input type="checkbox"/>
	Party Represented by Attorney: Pima County Law Enforcement Merit System Council
	First Name Last Name (Chair – Georgia Brousseau)
	Current Phone Number (520) 296-5021
	Other Party Name (First and Last): Pima County and Clarence Dupnik
	Current Phone Number: Unknown
	Brief History of this lawsuit or any other disposition
	In 1999, as a result of conversations with, and as requested by, Commission/Council Chair Georgia Brousseau and Pima County Administrator Chuck Huckelberry, Lead Attorney drafted a new rule to govern the standard of review by the Pima County Merit System Commission ("Commission") and the Law

Enforcement Merit System Council ("Council") in hearing appeals to the Commission or Council by Pima County employees. The Pima County Board of Supervisors adopted the new rule for the Commission, which granted to the Commission much broader discretion in deciding appeals than had previously existed. Shortly after the adoption of the rule by the Board of Supervisors, Pima County Sheriff Clarence Dupnik and Pima County Attorney Barbara LaWall jointly (as parties) filed a Petition for a Special Action in the Arizona Court of Appeals, challenging the validity of the new rule. The Court of Appeals ruled that the Sheriff and the County Attorney were not entitled to relief. Accordingly, the new rule remained in effect. Shortly after the Court of Appeals decision, the Council adopted the same rule.

In approximately 2002, Pima County Deputy Sheriff Joseph Harvey ("Harvey") engaged in allegedly inappropriate conduct which resulted in the termination of his employment by Sheriff Dupnik. Harvey appealed his termination to the Council. An extensive hearing was held, after which Harvey was ordered reinstated. Sheriff Dupnik sought judicial review of the Council's decision, once again challenging the validity of the new rule. The Arizona Superior Court, in addressing the special action for judicial review filed by Sheriff Dupnik, upheld the decision of the Council. The Arizona Court of Appeals, however, entered a decision reversing the Superior Court decision, setting forth a standard of review different from that which had been adopted by the Council. Both Harvey's lawyer and lead counsel filed Petitions for Review with the Arizona Supreme Court, which rejected the Petition for Review filed by Harvey's attorney, but accepted the Petition for Review filed by lead counsel. The case was briefed and argued by the parties before the Arizona Supreme Court, which unanimously decided to vacate the Court of Appeals decision and approve the rule which lead council had prepared, ruling against the sheriff and the county, and affirming the decision of the counsel.

This case had statewide significance with regard to the standard of review which may be utilized by County Employee Merit Commissions. Representatives of other commissions and employee groups in other counties subsequently contacted Lead Attorney seeking advice and counsel about the effect of the Harvey decision and on the question of how to proceed in their own jurisdictions.

Counsel for the County and Sheriff Dupnik:

In the Superior Court:
Leslie Lynch
Office of the Pima County Attorney
32 N. Stone Ave., #2100
Tucson, AZ 85701
Tel.: (520) 740-5750

In the Arizona Court of Appeals and the Arizona Supreme Court:

John Gabroy, Esq.
Lyle D. Aldridge, Esq.
Richard A. Brown, Esq.
GABROY, ROLLMAN & BOSSÉ, P.C.
3507 North Campbell Avenue, Ste. 111
Tucson, Arizona 85719
Tel.: (520) 320-1300

Counsel for Joseph Harvey
Michael Storie, Esq.
312 S. 3rd Ave.
Tucson, Arizona 85701
Tel.: (520) 300-5038

Solicitation # 228614

Merit Systems Legal Representation

Lead Attorney represented the Pima County Merit System Commission/Law Enforcement Merit System Commission:

Chair Georgia Brousseau

Tel: (520) 296-5021

END OF ATTACHMENT 4

Solicitation # 228614

Merit Systems Legal Representation

Attachment 5

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

ATTACHMENT 5: QUESTIONNAIRE – ATTORNEY PUBLIC SECTOR REFERENCES

Please furnish a list of a minimum of three (3) verifiable PUBLIC SECTOR REFERENCES, all of which are able to comment on your relevant experience.

Name of Contractor/Attorney for whom reference is given: **Barry M. Corey**

Reference 1>

Agency Name: Amphitheater School District
Contact Name and Title: Richard Wilson (Superintendent, retired)
Contact Telephone number: (520) 297-0843 E-Mail address: unknown
Size of the Agency (i.e. number of employees): 1500+ (estimated)
Services have been provided from (month/year) 1981 to 1998
Estimated number of lawsuits represented by the Attorney: 10

In the space below, provide a brief description of services provided, include and provide historical data.

Advised and represented the school district on all legal matters, including litigation.

Reference 2>

Agency Name: Presidio School. (a charter school)
Contact Name and Title: Thomas Drexel (Superintendent)
Contact Telephone number: (520) 881-5222 E-Mail address: tomd@presidiohighschool.com
Size of the Agency (i.e. number of employees): 55
Services have been provided from (month/year) 1/1999 to Present
Estimated number of lawsuits represented by the Attorney: 0

In the space below, provide a brief description of services provided, include and provide historical data.

Legal advice on any and all school matters.

Reference 3>

Agency Name: Pima County Merit System Commission/Law Enforcement Merit Systems Council
Contact Name and Title: Georgia Brousseau, Commission/Council Chair
Contact Telephone number: (520) 296-5021 E-Mail address: gcb1@netscape.net
Size of the Agency (i.e. number of employees): No employees
Services have been provided from (month/year) 1981 to Present (excluding two years in 1990)
Estimated number of lawsuits represented by the Attorney: 10-15 estimate

In the space below, provide a brief description of services provided, include and provide historical data.

Legal research as requested; advice at all meetings; representation in numerous lawsuits

NOTE: Pima County reserves the right to contact references to substantiate responsibility and satisfactory performance of the Attorney. Failure to provide current contact information which hinders the timely ability for County to conduct a review with the reference may result in proposal being deemed non-responsive.

END OF ATTACHMENT 5

Solicitation # 228614

Merit Systems Legal Representation

Attachment 6

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

ATTACHMENT 6: QUESTIONNAIRE – SUSTAINABILITY

**CONTRACTOR'S
NAME**

DeConcini McDonald Yetwin & Lacy, P.C.

SUSTAINABILITY

Pima County values and encourages sustainable practices. Does your business incorporate?
(Place a check mark in the appropriate box if not applicable state N/A):

Waste prevention/reduction or material recycling/reuse?

Alternative energy/fuels (such as solar/wind energy, bio-diesel, alternative fuels, hybrid vehicles) in your program's preparation, transportation, and demonstration?

Environmentally preferable materials (such as recycled materials; locally produced/manufactured products)?

Sustainable practices that lessen impact on non-renewable resources and global climate change (such as reduction in water/energy/paper use; minimization of hazardous materials; use of compressed/flexible work schedules)?

Other practices which coincide with the County's definition of sustainable practices (such as alternative modes of transportation; transportation minimization; life-cycle costs; product/packaging "take back" practices; preference to firms located within Pima County)?

END OF ATTACHMENT 6

Solicitation # 228614

Merit Systems Legal Representation

Attachment 7

Proposal of
DeConcini McDonald Yetwin & Lacy, P.C.
For Pima County Merit Systems Legal Representation
Solicitation Number: 228614

Solicitation # 228614

Merit Systems Legal Representation

ATTACHMENT 7: QUESTIONNAIRE – Cost Schedule - Revised

Please complete the excel spreadsheet. Include in original hardcopy submittal a printed copy of the Cost Schedule and provide a copy in the electronic submission as well.

This form has been revised to break-out pricing for Attorney and Paralegal/Law Clerk.

PLEASE SEE the Excel Spreadsheet included in digital format with these documents and in hard copy format with the originals (below is a placeholder image of said spreadsheet).

RFP 228614 - Merit Systems Legal Representation
 Addendum 2 - EXHIBIT B: Cost Schedule - Revised
 (Net 30 day Payment Terms)

ITEM #	ITEM NAME Items to include and satisfy all Solicitation & Offer Agreement requirements, General & Item Specifications	ESTIMATED ANNUAL USAGE QUANTITY	UOM	UNIT PRICE \$	EXTENDED AMOUNT \$
1	Attorney	120	Hourly	\$246.00	See Attached
2	Law Clerk/Paralegals	10	Hourly	\$141.00	See Attached
3	Ancillary Services from Master Price List	1	LOT	As Billed	\$1,000.00
				TOTAL BID	\$1,000.00

Master Price List of Ancillary Services

ITEM #	ITEM NAME Items to include and satisfy all Solicitation & Offer Agreement requirements, General & Item Specifications	No Charge	Actual Cost (as billed by 3rd Party)	Your Firm's Fee (if Applicable)
4	Long Distance Telephone Calls (Conference Calls Only)	<input type="checkbox"/>	<input type="checkbox"/>	\$
5	Photocopies in-house	<input type="checkbox"/>	N/A	\$0.20 per page
6	Outside Printing Services	<input type="checkbox"/>	<input type="checkbox"/>	\$
7	Postage, Express Mail, USPS etc.	<input type="checkbox"/>	<input type="checkbox"/>	\$
8	Facsimile - in house (Outgoing Only) (\$25.00 ____ for only one fax)	<input type="checkbox"/>	N/A	\$0.50 per page
9	Messenger Service	<input type="checkbox"/>		\$
10	Computerized Legal Research (Westlaw, Lexis Etc.)	<input type="checkbox"/>	<input type="checkbox"/>	\$
11	Expert of Other Professional Services: In the event complete representation requires the services of an expert or the services of a professional which cannot be provided by the firm.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
12	Court Related Charges: To include the expense of litigation, court reporter services for dispositions; expert witness testimony and/or reports for trial; jury fees; witness fees; outside preparation of any and all extraordinary exhibits or trial preparations which the firm is unable to produce internally	<input type="checkbox"/>	<input type="checkbox"/>	N/A
13	Travel (outside Pima County), Air Fare (coach), car rental, meals and lodging.	N/A	Yes	N/A

List any Additional Costs that may be required.

*See attached Schedule A, Other Costs and Expenses

Indicate the Item Name, Description, Unit of Measure (UOM)	No Charge	Actual Cost (as billed by 3rd Party)	Your Firm's Fee (if Applicable)
14	<input type="checkbox"/>	<input type="checkbox"/>	
15	<input type="checkbox"/>	<input type="checkbox"/>	
15	<input type="checkbox"/>	<input type="checkbox"/>	
17	<input type="checkbox"/>	<input type="checkbox"/>	
18	<input type="checkbox"/>	<input type="checkbox"/>	

EXHIBIT B (COST SCHEDULE)
PAGE 1
ATTACHEMENT TO QUESTIONNAIRE

EXTENDED UNIT PRICES

Hourly rates for attorneys/counsel are proposed as follows:

In order to submit rates identical to those charged to the Civil Service Commission of the City of Tucson and lower than the rates charged to the Merit System Commission of the City of South Tucson and the Personnel Action Review Board of the Town of Marana, as the County and this firm have done in previous years, rate for services, including travel time, are proposed, by calendar year, as follows:

Attorneys/Counsel	Calendar year 2016:	\$240.00 per hour
	Calendar year 2017:	\$246.00 per hour
	Calendar year 2018:	\$252.00 per hour
	Calendar year 2019:	\$258.00 per hour
	Calendar year 2020:	\$266.00 per hour
	Calendar year 2021:	\$272.00 per hour

In addition, the following rates are proposed, by calendar year, for services performed by Law Clerks and/or Paralegals:

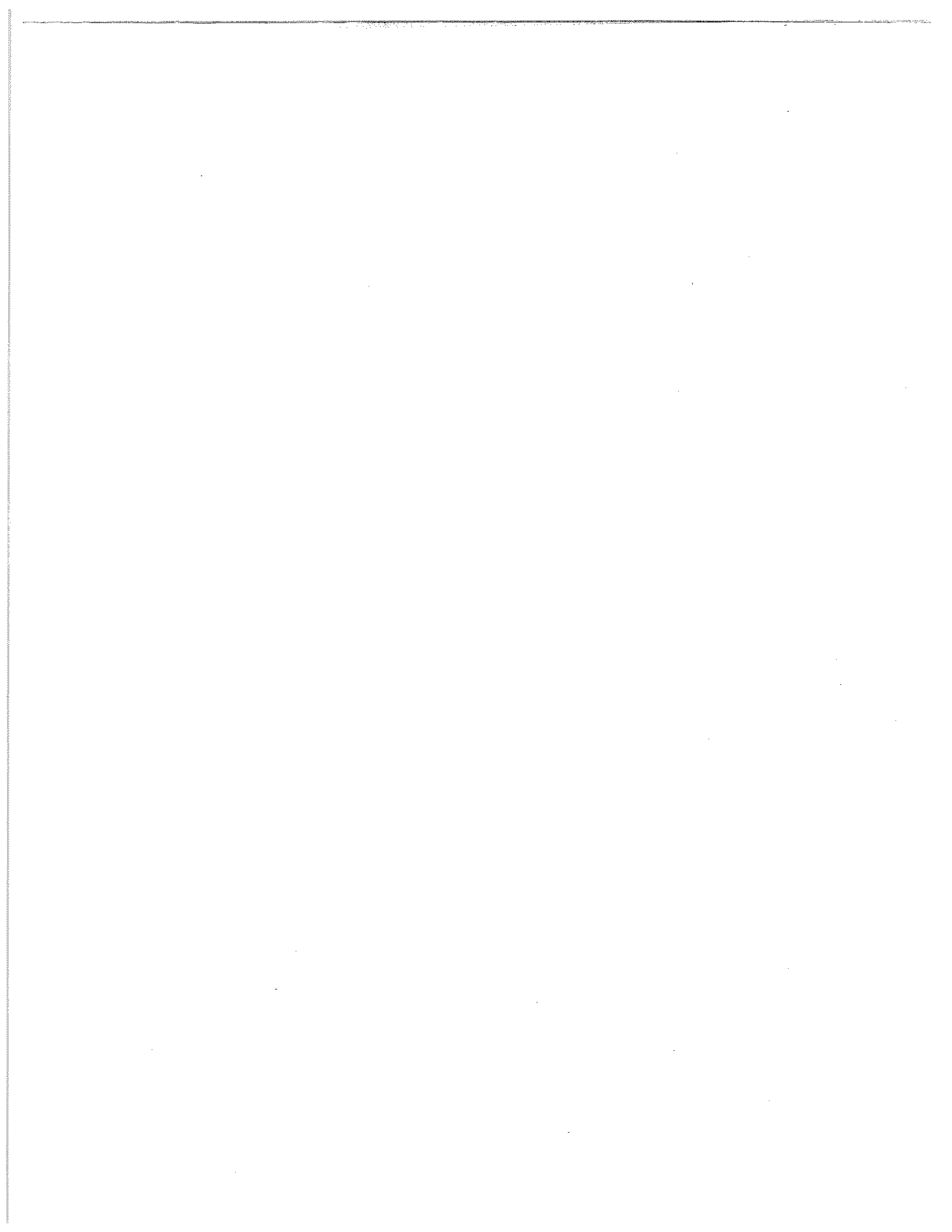
Law Clerks/Paralegals	Calendar year 2016:	\$135.00 per hour
	Calendar year 2017:	\$141.00 per hour
	Calendar year 2018:	\$141.00 per hour
	Calendar year 2019:	\$147.00 per hour
	Calendar year 2020:	\$147.00 per hour
	Calendar year 2021:	\$153.00 per hour

In the event that only one rate will be considered, the hourly rate for attorneys/counsel for the entire one-year contract period is proposed to be \$245.00 per hour and the hourly rate for law clerk/paralegals is proposed to be \$141.00 per hour.

Costs and other expenses incurred will be billed according to the attached Schedule A.

COST AND REIMBURSABLE EXPENSES
SCHEDULE "A"

1. Telephone Calls: The actual cost of long distance telephone calls, including tax.
2. Photocopies: \$.25 cents per copy. Outside copying services (Reproductions, etc.) will be billed at actual cost incurred by the firm.
3. Travel: Travel time will be billed at the regular hourly rate. There is no mileage charge for travel by personal motor vehicle. Expenses of other modes of travel (airfare, etc.) plus costs of, meals, lodging, etc., will be billed at actual cost.
4. Postage: Actual cost.
5. Express Delivery and/or Messenger Service: Actual cost incurred by the firm for outside express mail and/or outside delivery services; for delivery by firm personnel, \$15.00 per hour, plus expenses described under "Travel".
6. Clerical/Computer Word Processing: No charge for ordinary word processing; other clerical work, if voluminous, will be billed at rates commensurate with current charges in this community for the specific services being performed.
7. Computerized Legal Research (Westlaw, Lexis, Etc.): Actual, pro rata on-line charges billed to the firm for our clients.
8. Facsimile Charges: Fifty cents (\$.50) per page (Sending only).
9. Miscellaneous Charges: All court-related charges (i.e., expenses of litigation; court reporter services for depositions; expert witness testimony and/or reports for trial; jury fees; witness fees; outside preparation of any and all extraordinary exhibits or trial preparations which the firm is unable to produce internally) will be billed at the actual cost incurred by the firm.
10. Expert or Other Professional Services: In the event that complete representation requires the services of an expert or the services of a professional which cannot be provided by the firm, the expenses for these services shall be billed at actual cost.
11. Any other expenses incurred by the firm pursuant to the representation will be billed at actual cost.



Evaluations

Evaluations for
DeConcini McDonald
Yetwin & Lacy, P.C.

CONTRACTORs NAME: DeConcini

➡ Evaluation Date: 10/11/16 Evaluator's Name (Print): Allyn Budzinski

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1:

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments
lots of stuff / went MC / F.M. / EP

Total Possible Points for Attorney Experience: thirty-five (35)

➡ Your Score: 25

Part 2:

Part 2 requires the evaluation of 2.1 Attorney References for Lawsuits and 2.2 Attorney References for the Public Sector.

2.1) Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments
Not clear which ones he was involved
otherwise good

2.2) Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments
Amphi / Preside Chatsworth / P.C. MC.

Total Possible Points for Attorney References: twenty-four (24)

➡ Your Score: 24

Part 3: Sustainability

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

➡ Your Score: 1

Comments

SUBTOTAL Parts 1, 2 and 3 ➡

60

Signed: _____


Evaluator Name

Date: 10/6/14

CONTRACTORs NAME: Deconcini McDonaldEvaluation Date: 10/29/16 & 11-1-16 Evaluator's Name (Print): Tom Burke

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1:

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments

Significant experience; focus on Administrative law.

Total Possible Points for Attorney Experience: thirty-five (35)

◆ Your Score: 34

Part 2:

Part 2 requires the evaluation of 2.1) Attorney References for Lawsuits and 2.2) Attorney References for the Public Sector.

2.1) Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments

3 cases, one from 1974

2.2) Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments

Amphi School district (ended in 98); Small Charter School; merit commission.

Total Possible Points for Attorney References: twenty-four (24)

◆ Your Score: 22

Part 3: Sustainability

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

➡ Your Score: 1

Comments
<i>Identified at least one</i>

SUBTOTAL Parts 1, 2 and 3 ➡

57

Signed: _____

Jerry Bunker
Evaluator Name

Date: 11-1-16

CONTRACTORS NAME: DeConcini McDonald Yetwin & Lacy

➡ Evaluation Date: 10/14/2016 Evaluator's Name (Print): Cory Dent

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments
Strength – years and type of experience; number of public entities served
Weakness – continuing education and communication to clients

Total Possible Points for Attorney Experience: thirty-five (35) ➡ Your Score: 33

Part 2 requires the evaluation of **2.1** Attorney References for Lawsuits and **2.2** Attorney References for the Public Sector.

2.1 Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments
Strength – lawsuits provided are historically significant
Weakness – No lawsuits provided are recent

2.2 Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments
Strength – References are relevant and long term and services provided to two of three are through present

Total Possible Points for Attorney References: twenty-four (24) ➡ Your Score: 22

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

➡ Your Score: 0

Comments

Weakness: Only two of five practices met

SUBTOTAL Parts 1, 2 and 3 ➡

55

Signed: _____

Carol Dent
Evaluator Name

Date: _____

10/17/16

CONTRACTORs NAME: DeConcini McDonald Yetwin & Lacy

Evaluation Date: 10/12/2016 Evaluator's Name (Print): Dr. Mary Irwin

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1:

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments

The historical and institutional knowledge that Mr. Corey has amassed in Civil Service and Merit systems from city, county, school district and to law enforcement shows a great breadth of experience. Mr. Corey lists areas of professional concentration but no timeframes in which he applied expertise in employment law, personal injury/medical malpractice or domestic relations.

Total Possible Points for Attorney Experience: thirty-five (35)

Your Score: 30

Part 2:

Part 2 requires the evaluation of 2.1) Attorney References for Lawsuits and 2.2) Attorney References for the Public Sector.

2.1) Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments

The three lawsuits offered as references illustrated the variety of cases that Mr. Storey has taken to trial. The third case he lists is described as having statewide significance.

2.2) Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments

Amphi as a reference is old – decades ago. Presidio School as a reference is weak – no lawsuits, small agency and legal advice on school matters without giving examples. Pima County Merit System is a public sector reference but does not offer insight into experience outside of this organization for which he is applying with this proposal.

Total Possible Points for Attorney References: twenty-four (24)

Your Score: 18

Part 3: Sustainability

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

➔ Your Score: 1

Comments
Minimal but still listed one practice

SUBTOTAL Parts 1, 2 and 3 ➔

49

Signed: _____



Evaluator Name

Date: _____

10/12/2016

Evaluations for
Sidney Lex Felker, P.C.

CONTRACTORs NAME: Looney & Felton P.C.

➡ Evaluation Date: 10/11/16 Evaluator's Name (Print): Allysa Burkow

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1:

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments
1987 / Rivalecanti PC / Law of the Road / Good Exp.

Total Possible Points for Attorney Experience: thirty-five (35) ➡ Your Score: 33

Part 2:

Part 2 requires the evaluation of 2.1) Attorney References for Lawsuits and 2.2) Attorney References for the Public Sector.

2.1) Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments
Looks like PTJ mostly involved in Trials. Good Exp.

2.2) Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments
Good Ref. Rivalecanti PC Ref.

Total Possible Points for Attorney References: twenty-four (24) ➡ Your Score: 24

Part 3: Sustainability

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

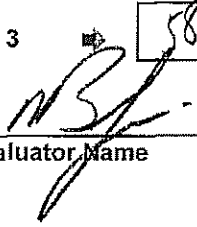
➡ Your Score: 1

Comments

SUBTOTAL Parts 1, 2 and 3

➡ 58

Signed: _____
Evaluator Name



Date: 10/11/16

CONTRACTORs NAME: SIDNEY LGF FelkerEvaluation Date: ^{10/28 and} 11/10 Evaluator's Name (Print): Tom Burke

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1:

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments

24 yrs ; good experience in Admin law and extensive employment law

Total Possible Points for Attorney Experience: thirty-five (35)

➤ Your Score: 35

Part 2:

Part 2 requires the evaluation of 2.1) Attorney References for Lawsuits and 2.2) Attorney References for the Public Sector.

2.1) Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments

Representation of public entities

2.2) Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments

represents large public sector, current representation

Total Possible Points for Attorney References: twenty-four (24)

➤ Your Score: 24

Part 3: Sustainability

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

➡ Your Score: 1

Comments
<i>identified at least one</i>

SUBTOTAL Parts 1, 2 and 3 ➡

60

Signed: _____

James Burke
Evaluator Name

Date: _____

11-1-16

CONTRACTORs NAME: Sidney Felker

➡ Evaluation Date: 10/14/16 Evaluator's Name (Print): Cory Dent

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments
Strength: years and type of service (although answers to Att 3 Item 1 (24 years) and Att 3 Item 5 (29 years) don't align) Weakness: continuing education and communication to clients

Total Possible Points for Attorney Experience: thirty-five (35) ➡ Your Score: 28

Part 2 requires the evaluation of 2.1 Attorney References for Lawsuits and 2.2 Attorney References for the Public Sector.

2.1) Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments
Strength: Lawsuits are relevant and recent

2.2) Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments
Strength: References are relevant, long term and through present

Total Possible Points for Attorney References: twenty-four (24) ➡ Your Score: 23

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

Your Score: 0

Comments

Deficiency: Met only one of five practices.

SUBTOTAL Parts 1, 2 and 3



51

Signed:

Evaluator Name

Date:

10/17/16

CONTRACTORs NAME: Sidney Lex Felker

Evaluation Date: 10/12/2016 Evaluator's Name (Print): Dr. Mary Irwin

Instructions: This Evaluation form consist of three parts, 1, 2 and 3. Brief written comments to justify the points awarded must be included for each criterion. The space provided for Comments will automatically adjust.

Part 1:

Part 1 requires the evaluation of Attorney Experience.

The contractor was asked to respond to ten (10) questions pertaining their experience.

Comments

Donna Aversa's experience is focused on a fire/rescue theme in Pinal county. The answer to Q3 was incomplete and did not thoroughly answer the continuing education program and how this information is communicated to clients. The answer to Q5 was that Donna has been teaching since 1990 but her resume says that she was adjunct faculty at University of Phoenix until 2003. Her speaking engagements were most often about open meeting law. 24 years advising the public sector is admirable but appears limited to fire/emergency departments in Pinal County, and Golder Ranch and Picture Rocks in Pima County.

Total Possible Points for Attorney Experience: thirty-five (35)

Your Score: 20

Part 2:

Part 2 requires the evaluation of 2:1 Attorney References for Lawsuits and 2:2 Attorney References for the Public Sector.

2:1 Attorney References for Lawsuits

The Attorney was asked to provide a brief history of not more than three (3) lawsuits that the attorney has taken to trial, settlement, or any other disposition such as a summary judgement, appeal or an administrative matter, and/or dismissal.

Comments

The 3 lawsuits given as examples provided insight into cases that Aversa has handled with 3 different agencies within Pinal County and all relatively recent.

2:2 Attorney References for the Public Sector

The Attorney was asked to provide a minimum of three (3) verifiable public sector references, a brief description of the services rendered and to include any historical data.

Comments

The public sector references (2 from same department) and one from a fire district where she lists approximately five administrative hearings over the years from 1995 to the present, do not suggest a wide range of references. The details are vague in all three descriptions of services provided.

Total Possible Points for Attorney References: twenty-four (24)

Your Score: 16

Part 3: Sustainability

The Contractor was asked to identify any sustainable practice incorporated into their business practices.

One (01) Point Maximum

➡ Your Score: 1

Comments
The very minimum of sustainability.

SUBTOTAL Parts 1, 2 and 3 ➡

37

Signed: _____



Evaluator Name

Date: 10/12/2016