STATE OF OHIO
DEPARTMENT OF INSURANCE
OFFICE OF LEGAL SERVICES

REQUEST FOR PROPOSAL ("RFP")
Project: Hearings/Hearing Officer
Maximum Amount of Contract: $24,500.00
June 7, 2010

Purpose

The Ohio Department of Insurance ("Department"), an agency of the State of Ohio, located at 50 West Town Street, 3rd Floor, Suite 300, Columbus, Ohio 43215, is seeking proposals from qualified vendors to provide professional legal services as a Hearing Officer for the Department's Office of Legal Services.

This request is to cover the period commencing on July 1, 2010 and ending on or about June 30, 2010. The exact starting dates and times will be established upon issuing the purchase order and may not be the exact dates for the starting periods stated herein.

Background

The Office of Legal Services is responsible for conducting formal administrative proceedings in accordance with Chapter 119 of the Ohio Revised Code and all other applicable Ohio statutes and rules. The Hearing Officer will preside over these formal proceedings.

Calendar of Events

RFP Issued	June 7, 2010
Inquiry Period Ends	June 10, 2010 at 3 p.m. Eastern Daylight Savings Time
Proposal Due Date	June 14, 2010 by 3 p.m. Eastern Daylight Savings Time
Vendor Selected (estimated)	June 18, 2010
Purchase Order Issued (estimated)	July 1, 2010
Work Begins (estimated)	July 1, 2010

The Department may reject any proposals or unsolicited proposal amendments that are received after the deadline. The Department may reject late proposals regardless of the cause for delay.

Proposal Submission

The vendor must submit its proposal via e-mail to sharon.green@ins.state.oh.us by 3 p.m. Eastern Daylight Savings Time on June 14, 2010.
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Inquiries

The Department will not respond to any inquiries made after 3 p.m. Eastern Daylight Savings Time on June 10, 2010 but will post the last inquiries on the morning of June 11, 2010.

Modification of RFP

The Department may modify the RFP in writing at any time before the date established for submission of proposals.

Rejection of Proposals

The Department reserves the right to reject any and all proposals where the vendor takes exception to the terms and conditions of the RFP or fails to meet the terms and conditions, including but not limited to standards, specifications and requirements as set out in the RFP. The Department reserves the right to reject, in whole or in part, any and all proposals where the Department, taking into consideration factors including but not limited to, price and the results of the evaluation process, has determined that award of a contract would not be in the best interest of the Department or the State of Ohio. Additionally, the Department reserves the right to cancel this RFP, reject all proposals and seek to do the work by other means.

Records

All proposals and other material submitted to the Department in response to this RFP will become the property of the Department. The vendor should not include trade secrets or proprietary information in a proposal or supporting materials because all proposals and supporting information are subject to Ohio's Public Records Law, Section 149.43 of the Ohio Revised Code. To protect the integrity of the competitive process and to comply with Section 125.071(C) of the Ohio Revised Code, the Department will close proposals from public review until the evaluation and award process is concluded. After the Department selects a successful proposal, all proposals will be public records.

Contract Terms and Conditions

The successful vendor will perform this work governed by the terms and conditions of the standard Department contract, a blank of which is attached hereto as Exhibit A and is incorporated herein as part of this RFP.

Attorney Qualifications

Both law firms and individual attorneys may respond to this RFP. In either case, the attorney or attorneys that are proposed to act as Hearing Officer must be specifically identified and must meet at a minimum the qualifications set out below.

1. Is an attorney licensed to practice law, and is in good standing, in the State of Ohio.
2. Have, at a minimum, five (5) years experience conducting Ohio Revised Code Chapter 119 adjudication hearings or state agency specific administrative hearings.
3. Have a demonstrable background in insurance law.
4. Does not represent clients that are regulated by the Department and is not a member of a firm that represents clients that are regulated by the Department.

Scope of Work

The attorney who will serve as Hearing Officer will be responsible for the tasks and duties as set out below.

1. Act as an impartial Hearing Officer at formal administrative proceedings that the Department is required by law to conduct. The hearings may be conducted in person or through written submissions and include analysis of testimony, written stipulations of the parties, motions, oral arguments, written briefs, or any other submissions required by law or reasonably necessary for the Hearing Officer to arrive at a decision and prepare a written report. During the pendency of a proceeding, the vendor shall have and shall exercise all authority appropriate to the role of Hearing Officer as necessary to assure that all proceedings will be conducted in a timely and orderly manner. This shall include, without limitation, coordination of the conduct of the hearing; sequestration and calling of

witnesses; handling of exhibits and other matters necessary for the efficient conduct of the proceeding at issue.

2. Conduct all formal administrative proceedings in accordance with Ohio Revised Code Chapter 119 and all other applicable Ohio statutes and rules, including the general and procedural guidance provided by the General Counsel of the Department's Office of Legal Services.
3. Prepare and provide the Department with a written report as soon as practicable and within the time deadlines specified by law following each proceeding for which the vendor acts as Hearing Officer. The written report shall set forth Hearing Officer's findings of fact and conclusions of law and other matters appropriate for such report under the law applicable to the particular proceeding at issue.
4. Upon request, prepare and provide the Department with Draft Orders for the signature of the Department Director in any proceeding in which the Hearing Officer presided and submitted a written report.
5. Coordinate all activities through the Department's Office of Legal Services and the Department's General Counsel.
6. Not discuss with or disclose to any third party any information or material obtained pursuant to the obligations as Hearing Officer without the prior written consent of the Department.
7. Furnish and use materials, tools, equipment and supplies necessary for the satisfactory performance of work, except as specified as provided by the Department.

The Department will provide the facilities and services needed by the Hearing Officer to perform the obligations under the resulting contract as follows:

1. A hearing room appropriately equipped for conducting administrative hearings.
2. A court reporter or electronic audio recording device for the purpose of creating a record of the proceedings.
3. A hearing administrator who will coordinate issuance of notices, scheduling of hearings, issuance of subpoenas, arrangements for court reporters and issuance of other required correspondence for the efficient conduct of the proceeding a issue.
4. Any other reasonable resource requested in advance by the vendor for the purpose of convenient and efficient conduct at the proceeding at issue.

Proposal Content

The successful vendor's proposal for this project must include the following:

Cover Letter. The cover letter is to be in the form of a standard business letter and is to be signed in blue ink by an individual legally authorized to bind the vendor. The cover letter must include the following: (1) a summary of the vendor's services to be provided; (2) the name, telephone number, fax number and e-mail address of a contact person with authority to answer questions regarding the proposal; (3) a statement that the vendor's proposal is public information; (4) a statement that the proposal will be valid for ninety (90) days following the Department's receipt of the proposal; and (5) a statement that the vendor will not use subcontractors in this project.

Executive Summary. The vendor is to include its legal name, business address and business telephone number. The vendor is to provide a brief narrative of the proposal to the Department and a description of the vendor's relevant experience.

Proposal Elements. Any vendor that submits a proposal will include in the body of the proposals the elements listed below.

1. A resume for no more than two proposed attorneys to act as Hearing Officer. If a law firm is submitting candidates, the firm must screen all candidates to ensure that each candidate meets the qualifications.
2. Signed acknowledgement forms for each proposed attorney acknowledging that the attorney has been proposed to act as Hearing Officer by the submitting vendor and confirming that the attorney is available under the terms of the RFP.

   [The acknowledgement can read as follows: I (attorney name) acknowledge that (vendor name) is submitting my name as a candidate for the Office of Legal Services Hearing Officer proposal. I am available for this assignment for the period of July 1, 2010 to June 30, 2011. Also, I understand that knowingly being proposed on more than one vendor's proposal will disqualify me for consideration as a candidate for each and all proposals. (Candidate signature/Date.)]

3. A description of how each proposed attorney meets the qualifications set out in the "Attorney Qualifications" section of this RFP.
4. A description of each proposed attorney's experience and background relative to the seven Hearing Officer duties and/or tasks listed in the "Scope of Work" section of this RFP.

Cost. The vendor will submit a per hour cost for the services of each attorney that would act as Hearing Officer. The maximum value of the resulting contract that the Department would offer is $24,500.00. However, the Department does not guarantee that any vendor would receive the total amount of the contract as Hearing Officer services are requested on an "as needed" basis.

The State of Ohio assumes no responsibility for costs that the vendor incurs prior to the award of any contract. The vendor will not be reimbursed for travel, lodging or any other expenses incurred in the performance of the services of Hearing Officer. The total liability of the State of Ohio is limited to the terms and conditions of a resulting contract.

Evaluation Criteria and Procedures

The Department will award the contract to the responsive and responsible vendor whose proposal the Department determines to be most advantageous to the State of Ohio. The Department will consider the following factors equally in evaluating the proposals: (1) meeting the "Attorney Qualifications" as set forth in this RFP, (2) background and experience relative to the duties and tasks listed in the "Scope of Work" section of this RFP and (3) rate as described in the "Cost" section of this RFP. The Department may request additional information to evaluate a vendor's proposed costs, responsiveness to the RFP and responsibility. If a vendor does not provide the requested information, that fact may adversely impact the Department's evaluation of the vendor's bid.

A committee of the Office of Legal Services will open and evaluate the proposals and will chose the successful vendor. At its option, the Department may select two vendors and split the maximum contract amount between these vendors.