

RFP Legal Services Q & A 3-7-2011

Q1. Can you provide the approximate number of hours worked each month by outside counsel on each of the legal requirements (a-i) listed on pages 8-9 of the RFP?

A1. 2010 is representative of a typical IETF year and our estimate is an average of 10 hours per month.

In 2009 however the Trust and counsel spent an extraordinary amount of time in the development of the Trust Legal Provisions <<http://trustee.ietf.org/license-info/>>, probably average 15 hours/month with a couple of 25 hour months.

Q2. We would like you to ask you if the proposals to be submitted should be for all the services detailed in the Section III, or the bidder will be able to submit a proposal only for some of the services detailed.

A2. Very strong preference for a bid for all the services

Q3. The provision of services necessarily includes staff travel to other sites, in addition to travel to IETF meetings?

A3. Travel not required. Travel to IETF only at client request and rarely requested.

Q4. Could a Law Firm outside of the U.S.A. participate?

A4. Yes, but most of the work is done in the USA so a bidder should discuss how it would address such matters and its experience doing so.

Q5. Is it necessary for the services that will be provided by the bidder, keep some international certification?

A5. Legal services providers should be admitted to practice law in the jurisdiction(s) in which they operate.

Q6. Is it necessary for the personnel (attorneys at law, advisors) of the bidder, keep some international certification or affiliation to some specific professional school? (Ex. Member of America Bar Association or other Bar Association).

A6. Membership in the Bar where you practice. Other credentials that demonstrate expertise are desirable.

Q7. Have need other languages for the services, besides the English?

A7. No.

Q8. Can the winner outsource all services or only some?

A8. Only some.

Q8a. In the second case, can inform us of the services of the Section III that could be outsourced?

A8a. This depends on the capabilities of the service provider. Ideally, no services would be outsourced. However, if outsourcing is required to fill gaps in the service provider's internal capabilities, those will be considered. Historically, the IETF has obtained legal advice from other than its primary legal services provider with respect to trademark prosecution and litigation matters. It is expected that the firm will manage the matters that it outsources.

Q9. Background. The Request for Proposal for IETF Legal Services Statement of Work lists a series of services it has traditionally required. Those categories are quite broad and, to be serviced properly, require a wide range of legal services, which we are prepared to provide. However, there is no limit on the amount of time that could be required to satisfy these needs, let alone those not specified in the traditional list.

H.1. States: „ÚThe contract(s) will be a fixed-price, which could include pro bono, contract, except for services as noted in the Statement of Work. ,À However, outside of the Statement of Work the only reference to legal services is Section I.A. Summary which says: „ÚThe Provider will provide legal advice to the IESG, IAOC, IAB, IRTF, RFC Series Editor, Independent Submissions Editor, and IETF Trust as requested, but will report primarily to the IAD.,À

Question: Please list in more specificity those legal services IETF requires be covered by a fixed fee outside of those listed in the Statement of Work.

A9. Ideally, all services would be covered by a fixed fee. However, IETF understands that this may not be practical given the inherent uncertainty of which and where legal matters will arise. Proposals are encouraged to include as much as possible within a fixed fee structure, with specific indications of what would be outside of this fixed fee.

The IETF recognizes that bidders may have difficulty pricing their bid without having some experience with the nature and extent of the IETF support requirements. To that end, the IETF will entertain bids based on

an hourly rate with the goal of moving toward a fixed price contract by the end of the second year.