

Statement of Work

Litigation Support Services

1. Introduction and Background

The Commodity Futures Trading Commission (“CFTC” or “Commission”) is an independent agency of the executive branch of the federal government. Congress created the Commission in 1974 under the authorization of the Commodity Exchange Act with the mandate to regulate commodity futures and option markets in the United States. The Commission is responsible for ensuring the economic utility of futures markets by encouraging their competitiveness and efficiency, ensuring their integrity, and protecting market participants against manipulation, abusive trade practices, and fraud.

The Office of the General Counsel (“OGC”) is responsible for a wide variety of CFTC legal activities, including providing legal advice and technical assistance with respect to proposed legislation, reports, and testimony; directing CFTC litigation before state and federal courts and administrative fora (with the exception of enforcement cases at the trial level); giving legal interpretations and opinions under the Commodity Exchange Act; and providing general legal counsel and services to the Commission.

The Office of Human Resources is responsible for all employee and labor relations matters, including advising managers on performance, conduct, and disciplinary matters which may result in adverse actions under Chapters 43 and 75 of Title 5 of the U.S. Code, and which may in some cases be submitted to arbitration and/or appealed to the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the Federal Labor Relations Authority (FLRA), or the courts.

2. Purpose

To enhance its present capabilities in administrative appeals and litigation, especially relating to employee relations matters, the CFTC seeks to retain a contractor as legal counsel. The contractor, if not an individual attorney, shall furnish one, part-time, individual to perform the tasks identified below. Individual attorneys with substantial expertise in the areas detailed below are invited to submit bids.

3. Tasks

As required by the Contracting Officer's Technical Representative (COTR) the contractor shall perform the following services:

1. Assist the CFTC's OGC with large, complex and/or protracted proceedings in the area of employment law, especially employee relations cases before MSPB, EEOC, FLRA, arbitrators, and the courts. Assistance with other areas of law may also be required.
2. Additional required services may include, but are not limited to, all tasks associated with preparing a case for administrative hearing such as: legal and factual research (including reviewing and analyzing relevant facts and documents); conducting and defending against discovery; engaging and preparing experts; interviewing and preparing witnesses for testifying; researching and drafting memoranda, pleadings, briefs, motions, and other legal documents; filing documents with courts and administrative bodies; assisting negotiations or settlement; providing advice on settlement implementation; trial and appellate support including serving as the agency representative in administrative appeals before entities including, but not limited to, the MSPB, EEOC and FLRA; and any other related or ancillary tasks in furtherance of the interests of CFTC.

4. Special Considerations – Additional Requirements

1. Period of Performance – The period of performance of this contract shall be from the effective date of award through one (1) year. However, the Government's liability under this contract is limited to the amount obligated.
2. Place of Performance – The principal place of performance shall be CFTC headquarters located at 1155 21st Street, NW, Washington, DC. CFTC will provide a workstation for the contractor that includes access to telephone and office equipment such as copy and fax machines. The contractor's staff shall comply with the Commission's Information Technology Rules of Behavior and certify in writing their commitment to do so. Additionally, the contractor shall provide any items not furnished by CFTC.

Performance of work under this contract will occur primarily (but not necessarily exclusively) in Washington, DC and the surrounding metropolitan area. Among the courts in which contract performance may be required are the United States District Courts, the United States Courts of Appeal, and other Federal and State judicial and administrative fora including, but not limited to, MSPB, FLRA, and EEOC. The Commission will not provide

reimbursement of transportation costs incurred for daily travel to and from the CFTC Headquarters building.

3. Level of Effort – CFTC anticipates that the contractor will be required to furnish approximately 1,000 hours of effort under this contract. The contractor shall normally work four hours a day, five days a week. However, the COTR may require more or less effort on an as needed basis, subject to the funded not-to-exceed amount of the contract.
4. Personnel Security – Pursuant to the requirements of Homeland Security Presidential Directive 12 (HSPD-12), personnel suitability/security checks shall be required of the contractor's employee. CFTC will bear the cost of any required personnel suitability/security checks.
5. Restriction on Future Work – To be eligible for the contract, the contractor must agree never in the future to represent an existing or new client against the CFTC in a matter substantially related to the contractor's work with the CFTC. In addition, the contractor must agree not to undertake representation of an existing or new client where, as a result of the contractor's representation of the CFTC, the contractor has obtained proprietary or other confidential information of a non-public nature that could be used in the representation of the existing or new client to the material disadvantage of the CFTC.

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