

MAMARONECK UNION FREE SCHOOL DISTRICT
REQUEST FOR PROPOSAL
RFP #2019-03 – LEGAL COUNSEL

REQUEST FOR PROPOSALS

RFP #2019-03

LEGAL COUNSEL

2019-2020

DUE: Thursday, April 11, 2019 by 4:00 PM EST

Return to:
Lauren Leone
Purchasing Agent
Mamaroneck UFSD
1000 West Boston Post Rd
Mamaroneck, NY 10543

MAMARONECK UNION FREE SCHOOL DISTRICT
REQUEST FOR PROPOSAL
RFP #2019-03 – LEGAL COUNSEL

DATE OF OPENING: Thursday, April 11, 2019

TIME: 4:00 PM EST

To All Providers:

Please submit a sealed proposal for Legal Counsel for the Mamaroneck Union Free School District. The District will receive sealed proposals on or prior to 4:00 PM EST, Thursday, April 11, 2019. Proposals received after stated date will be returned to the sender, unopened. Proposals must be submitted in a sealed envelope plainly marked on the outside:

RFP #2019-03 Legal Counsel

Proposals will be opened on the stated date, but will not be read aloud. Any interested party may attend. There will be no discussion at the time of the opening of the proposals. The names of the proposing Firms shall be available following the proposal opening.

Proposals shall be irrevocable for a minimum period of sixty (60) days from the date of proposal opening. Alterations to said proposals must be submitted in writing. Consideration shall be given only to those alterations, which may be caused by unforeseen circumstances beyond the control of the Firm submitting said proposal. The Purchasing Agent or his/her designee shall make such determination.

The Mamaroneck Union Free School District Board of Education intends to award a contract or contracts in its best interest and reserves the right to reject any or all proposals received as a result of this RFP, to negotiate with all qualified proposers, or to cancel this RFP in part or in its entirety, if it is in the best interest of the Mamaroneck Union Free School District to do so. No proposer shall have any legal, equitable or contractual rights of any kind arising out of its submission of a proposal except as and to the extent that the Mamaroneck Union Free School District, in its sole discretion, shall enter into a contract with the proposer(s) that it selects as the successful proposer(s).

Please read the attached material carefully before submitting your proposal. Incomplete proposals may not be considered.

Thank you very much for your cooperation.

Lauren Leone, CPPB
Purchasing Agent

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I. PURPOSE

The Mamaroneck Union Free School District, hereinafter referred to as “the District”, invites quotations from qualified Firms to obtain General Board, Labor, Tax Certiorari, Special Education and other ancillary services as described herein. Firms may propose to provide counseling and representation to the Board of Education (“the Board”) and Administration of the District on any or all of the following matters.

- a) All matters requiring General Board of Education legal services;
- b) Matters of employment law and collective bargaining;
- c) Matters pertaining to tax certiorari proceedings;
- d) All matters requiring legal services as they pertain to Special Education cases.

The District may elect to choose one Firm to serve each of the above needs or more than one Firm to serve as counsel for any combination of the above as per this Request for Proposal.

In accordance with the District’s policies and procedures, contracts for professional services requiring special skill or training are not subject to competitive bidding requirements of § 103 of General Municipal Law.

II. PROPOSAL SUBMISSION

One (1) original, one (1) copy of the hardcopy proposal and one (1) flash/thumb drive with a copy of the proposal in PDF format must be submitted to the Purchasing Department. Envelopes must be sealed and **clearly marked RFP# 2019-03 Legal Counsel** and the name and address of the Proposer. Proposals must be received no later than 4:00 PM on Thursday, April 11, 2019 at the following address:

Mamaroneck Union Free School District
Lauren Leone – Purchasing Agent
Mamaroneck Union Free School District
1000 W. Boston Post Road
Mamaroneck, New York 10543

There is no express or implied obligation for the District to reimburse responding Firms for any expenses incurred in preparing proposals, attending pre-proposal conferences, or interview(s) in responding to this request. Proposals submitted after the stated time and date will not be considered and will be returned to the Firm unopened.

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III. SCOPE OF SERVICE

A. General Responsibilities

1. The Firm will be expected to represent the District and provide general legal advice to the Board of Education and administration in all matters as needed in which they propose to provide representation and possess demonstrated knowledge to the extent relevant to the proposed representation of:
 - a) Laws of the State of New York;
 - b) Standards promulgated by the New York State Education Department;
 - c) Regulations of the Commissioner of Education;
 - d) Regulations of the Federal Government pertaining to Education;
 - e) New York State Civil Service Regulations;
 - f) Public Employee Labor Relations and Law;
 - g) Real Property Tax Laws and Procedures.
 - h) All Public Bidding and Contract Matters
2. The Firm selected by the Board as Special Education counsel shall render oral and written advice regarding District compliance with all Special Education requirements, including but not limited to those arising under the Individuals with Disabilities Education Act (IDEA), Part 154 ELL Services, The Rehabilitation Act of 1973, and State law; and represent the District in all impartial due process hearings and appeals to the State Review Officer and Federal Court. Counsel, as required will appear and represent the District in all courts in all Special Education proceedings.
3. The Firm selected by the Board to provide Labor counsel including but not limited to, negotiation of collective bargaining agreements will be expected to advise and consult with the Administration and Board as required to plan, present and review proposals and to prepare associated documents as required. Further, the Firm selected will be expected to represent the Board at all levels and stages of negotiations as may be required during the process of collective bargaining.
4. The Firm selected by the Board to advise and represent the District with respect to tax certiorari matters will be expected to work closely with counsel representing the Town of Mamaroneck and/or the Village of Mamaroneck and Larchmont as the case may be, and to advise the District as to when separate representation in contested matters may be in its best interest.

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5. Responsiveness and Time Requirements:

- a) The Firm selected is expected to have qualified staff available by telephone for consultation during normal business hours.
- b) The School District may require regular or periodic on-site consultation.
- c) The Firm will be expected to be able to meet with the Board of Education in the District on weekday evenings as may be necessary during the process of collective bargaining.
- d) Attend Board of Education meetings on weekday evenings or early in the morning as may be necessary, when requested to do so.

IV. PROPOSAL SUBMISSIONS

All proposals must be submitted in two parts. Part 1 must consist of responses to the management and qualifications items. Part 2 must consist of complete fee cost. Incomplete submissions will not be considered for award. Proposals should not be excessively long, and should be submitted in a PDF format as well as in hardcopy so as to permit copying for review by members of the Board and the Administration. All materials submitted in response to this request for proposal shall become the property of the District.

PART 1 – MANAGEMENT AND QUALIFICATIONS

In setting forth its qualifications, each Firm submitting a quotation shall:

- a) Provide the name of the Firm as well as a brief description of its business activities and history.
- b) Provide information on how long the Firm has been in business and length of its experience in providing school district legal counsel.
- c) Identify the Firm's professional staff members who specifically will be involved in this engagement, the experience each possesses, the location of the office from which they work, and a detailed biography and/or resume outlining the experience and credentials of all staff members who will provide services.
- d) Provide a listing and description of similar contracts and/or projects awarded with other organizations, giving dates of service.
- e) Provide the name and title of person(s) submitting the proposal, the Firm's main office address, and primary and secondary points of contact and their telephone, fax numbers (including area codes) and e-mail addresses.
- f) Detail the experience the Firm and its staff have in working with public sector clients, describing how needs specific to the public sector were met, and highlighting any experience specific to school districts.
- g) Provide client references. Include contact names, addresses, telephone numbers and e-mail addresses.

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- h) Provide a sample written opinion.
- i) Provide any additional information that would distinguish the Firm in its service to the District.

PART 2 – COST:

Each Firm submitting a proposal may:

Submit a lump sum retainer fee proposal for General, Labor, Tax Certiorari and Special Education and/or an individual retainer fee proposal for each of the specified services separately. All services covered under the retainer must include but not be limited to the District’s specification below and be detailed in the proposal. A detailed description of any additional services provided under the retainer agreement(s) should also be included in the proposal. Hourly fee proposals may be submitted for the ancillary services that fall outside of the retainer services as outlined below. The approximate hours served under the current District retainers for each of the last three school years is as follows:

Type of Matter	2015-2016	2016-2017	2017-2018	Average per Year
Hours used under retainer				
General	266	246	173	228
Labor	181	251	283	238
Special Education	603	592	299	498
Tax Certiorari	116	168	237	174
Hours used for other ancillary services				
Residency	62	87.95	47.55	66
Civil Rights, Immigrant, Commercial, Family Court and Other	63.05	4.2	34.6	34
Litigation	31.5	1.2	228.95	87
Contracts, Construction and Bidding	148.65	298.15	142.65	196
Discipline - Staff and Student	300.7	232.1	348.2	294
Real Property Matters	7.3	18.8	12.05	13

It is anticipated that the following described services will be included in a proposed retainer covering the areas identified above (I - PURPOSE):

1. The Firm’s attorneys consult with the Board of Education and/or Superintendent of Schools and his/her administrative staff on a wide range of legal issues. The Firm will prepare formal opinion letters when requested by the Board or the Superintendent of Schools concerning legal issues. The Firm will provide guidance on issues raised by the Board or the Superintendent of Schools or the Superintendent’s designees , which include, but are not limited to matters pertaining to all aspects of education law; special education (excluding requested attendance at CSE meetings, and/or §504 litigation and impartial hearings); student discipline (other than formal disciplinary hearings); guardianship; adoption; custody; orders of protection; school district residency; Child Protective Services; subpoenas; Freedom of Information Law requests and other solicitation of district records, employee records and student records; foster child

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tuition matters; federal and state civil rights laws; advice regarding criminal law, commercial law; tax law, and governmental, municipal and political issues; school board and employee liability; student rights; recent and pending changes in state and federal laws affecting the governance and operation of a public school district; school board/district insurance plans; Open Meetings Law and parliamentary law issues; environmental, health and safety; legal rights of professional and support staff personnel; legality of policies, administrative regulations and procedures proposed by the Superintendent and the Superintendent's designees.

2. Upon request, members of the Firm are required to attend Board meetings. The Firm will be required to meet with the Board and the Superintendent and his/her staff concerning legal issues. These meetings may include a third party.

3. Advice will be required for all legal issues directly affecting the Board of Education including annual elections, financial matters and legal aspects of school budgets and the promulgation of policies governing the District.

4. The Firm selected as Special Education counsel will render oral and written advice regarding District compliance with all Special Education requirements, represent the District in all litigious matters with regard to Special Education cases including but not limited to impartial due process hearings.

5. The Firm selected as Labor counsel will be available to act as Labor counsel and negotiator during negotiation meetings with collective bargaining representatives of the District's employees and during all proceedings connected with negotiations held pursuant to the Taylor Law (i.e., mediation, fact-finding, etc.), upon the direction of the District. In connection with the foregoing, the Firm will be required to be present at all other meetings, formal and informal, at which its presence might be requested by the Board or the Superintendent, to prepare such memoranda of fact or law and other documents as may be required to render such oral and written advice as may be requested by the Board or the Superintendent, and to participate in the preparation, execution and delivery of all collective bargaining agreements.

6. The Firm selected as Labor counsel will be required to provide advice to the Superintendent and Board relating to personnel, labor and negotiation matters, including but not limited to advice rendered regarding all grievances filed pursuant to grievance procedures (other than arbitrations) which have been instituted by employees of the District; provide advice regarding discharge of employees (including Civil Service Employees, and professional employees appointed pursuant to the tenure law provisions of the Education Law); provide advice concerning threatened litigation (including all administrative proceedings, such as improper labor practices, human rights appeals, arbitrations and/or court proceedings); and be present at all meetings in connection therewith at which the presence of the attorneys is requested by the Board or the Superintendent and to prepare such memoranda of fact or law and other documents in connection therewith as may be requested.

7. The Firm selected as Labor counsel will be required to provide advice regarding School District personnel policies including ACA and OSHA requirements as they may impact

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upon collective bargaining or personnel matters and prepare such memoranda of law or fact as may be requested by the Board or Administration and attend all meetings at which the attorneys' presence may be requested in connection therewith by the Board and/or Administration.

8. The Firm selected as Labor Counsel will be required to provide advice regarding state and federal legislation as it may impact upon collective bargaining or personnel matters, to prepare such memoranda of law or fact as may be requested by the Board or Administration and attend all meetings at which the attorneys' presence may be requested in connection therewith by the Board and/or Administration.

9. The Firm will be required to present "in service" and/or other educational programs for the Board and seminar workshops for staff as necessary, covering the subject matter of its representation.

V. BILLING FORMATS AND DISBURSEMENTS

The awarded Firm shall maintain and present, for purposes of any necessary billing, time records indicating the professional services provided with respect to each separate matter. Time records should include the name of the staff member providing the service, the date of service, the legal issue being billed, the time spent and dollar amount current and cumulative for each separate matter. Invoices shall be submitted monthly.

Any matters proposed to be separately billed must be specifically identified in the proposal. Each Firm responding to this Request for Proposal shall submit a proposed hourly rate for all matters not included in the proposed retainer.

No additional billing will be allowed for car travel, participant materials, or other incidentals. Additional billing will be allowed for other reasonably incurred expenses such as; filing fees, court fees, arbitration fees, stenographic fees, Westlaw/Lexis charges and air/train travel.

VI. BACKGROUND

The following is a brief description of the School District:

- a) Student Enrollment: approx. 5,600 (K-12)
- b) Number of Employees: 842 Full Time, 51 Part Time (556 Full Time Certified; 11 Part Time Certified; 286 Full time Non Certified and 40 Part Time Non Certified)
- c) Number of Schools: six (4 for grades K-5, 1 for grades 6-8, 1 for grades 9-12)
- d) Union Information
 - i. Mamaroneck Teachers Association (MTA), 549 members, exp. 6/30/23
 - ii. Mamaroneck Association of School Administrators (MAA), 20 members, exp. 6/30/20
 - iii. Mamaroneck Federation of School Secretaries (FSS), 43 In Negotiation
 - iv. CSEA-Non-Teaching Unit (custodians/maintenance), 55 In Negotiation
 - v. Mamaroneck Teacher Aides Unit, 178 members, In Negotiation

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- e) Board of Education:
 - i. Members: 7, Steve Warner, President
 - ii. Elected at large
 - iii. 3 year terms
 - iv. District Clerk: Joanne Rice
 - v. District Treasurer: Philip Silano
- f) Management:
 - i. Superintendent of Schools: Robert Shaps
 - ii. Assistant Superintendent for Curriculum and Instruction: Annie Ward
 - iii. Assistant Superintendent for Business Operations: Sylvia Fassler-Wallach
 - iv. Assistant Superintendent of Student Support Services: Dr. Nora Mazzone
 - v. Interim Director of Personnel and Administration: Carol Priore
 - vi. Director of Facilities; Steve Brugge
- g) Budget for 2015/2016: \$133,898,902
Budget for 2016/2017: \$133,159,163
Budget for 2017/2018: \$135,103,791
Budget for 2018/2019: \$138,940,301

**Please note: All Board of Education Policies can be viewed on the District website;
www.mamkschools.org.

VII. PROPOSAL EVALUATION

- A. Proposals received will be evaluated by the Superintendent of Schools, the Assistant Superintendent for Business Operations, and the Board of Education.
- B. The evaluation process is designed to award the proposal not necessarily to the proposer of least cost, but rather to the proposer with the best combination of attributes.

VIII. INTERVIEW

The award process may include interviews with the Board of Education.

IX. SPECIFICATION CLARIFICATION/INQUIRIES

All inquiries with respect to this Request for Proposal must be directed as follows:

Via USPS: Mamaroneck Union Free School District
Attention: Lauren Leone
1000 W. Boston Post Road
Mamaroneck, New York 10543

Via Fax: 914-220-3091

Via E-mail: lleone@mamkschools.org

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X. FREEDOM OF INFORMATION LAW

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84-90, mandates public access to government records. However, proposals submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the Proposer's competitive position or constitute a trade secret. Proposers who have a good faith belief that the information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law must clearly identify the pages of the proposals containing such information by typing in bold fact on the top of each page, "THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW." The District assumes no liability for disclosure of information so identified, provided that the District has made a good faith legal determination that the information is not protected under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

XI. RIGHT TO REJECT REQUESTS FOR PROPOSAL

The District reserves the right to reject without prejudice any and all proposals received under this Request for Proposal.

XII. INDEMNIFICATION

The successful Proposer shall defend, indemnify and save harmless the District, its employees and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the Successful Proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

XIII. TERM OF CONTRACT

Initial contract period will commence July 1, 2019 through June 30, 2020 with the option to renew annually for additional one-year periods upon mutual agreement between the District and awarded Firm subject to approval by the Board of Education. This contract will be utilized on an "as-needed" basis. There is no guarantee that any or all of the services listed will be utilized.

XIV. TERMINATION CLAUSE

Any contract agreed to under this Request for Proposal is subject to termination by the Board of Education with thirty (30) days written notice. Termination by the Firm must be accomplished in accordance with applicable rules of the Unified Court System of the State of New York. In the event of termination of the contract, the District's responsibility shall be to pay for unpaid services performed and authorized costs incurred by legal counsel.

XV. LEGAL CONSTRUCTION

In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not effect any other provision thereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision has never been contained therein.

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XVI **ANTICIPATED TIMELINE**

March 5, 2019	Advertisement and Release Date for RFP
March 11, 2019	Confirmation of Participation Due
March 18, 2019	RFP Questions Due
March 21, 2019	RFP Answers Distributed via Addendum
April 11, 2019	RFP Due Date
April 12 - May 9, 2019	RFP Review Period
Week of May 13, 2019	Interviews of selected Firms
June 4 or 18, 2019	Decision and Award
July 1, 2019	Contract Start Date

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XVII INSURANCE

- I. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the consultant hereby agrees to effectuate the naming of the school as an additional insured on the consultant's insurance policies, with the exception of workers' compensation and professional liability. If the policy is written on a claims-made basis, the retroactive date must precede the date of the contract
- II. The policy naming the school as an additional insured shall:
 - Be an insurance policy from an A.M. Best rated A- or higher insurer, licensed in (*list home state*).
 - State that the organization's coverage shall be primary and non-contributory coverage for the School, its Board, employees and volunteers.
 - List as an additional insured by using endorsement CG 2026 or equivalent. A completed copy of the endorsement must be attached to the certificate of insurance.
 - describe the specific services provided by the contractor (e.g., physical therapy, psychological services) that are covered by the professional liability, commercial general liability policy and the umbrella policy.
 - At the School's request, the contractor shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the contractor will provide a copy of the policy endorsements and forms.
- III. The consultant agrees to indemnify the school for any applicable deductibles and self-insured retentions.
- IV. Required Insurance:
 - **Commercial General Liability Insurance**
\$1,000,000 per occurrence/ \$2,000,000 aggregate.
 - **Workers' Compensation**
Statutory Workers' Compensation, Employers' Liability for all employees.
 - **Professional Errors and Omissions Insurance**
\$2,000,000 per occurrence/ \$2,000,000 aggregate for the professional acts of the consultant performed under the contract for the school. If written on a "claims-made" basis, the retroactive date must pre-date the inception of the contract or agreement. Coverage shall remain in effect for two years following the completion of work.
 - **Excess Insurance**
\$1,000,000 each occurrence and aggregate. Excess coverage shall be on a follow-form basis.
- V. Consultant acknowledges that failure to obtain such insurance on behalf of the school constitutes a material breach of contract. The consultant is to provide the schools with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of the school to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the school.

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Confirmation of Participation

Bidder Company Name: _____

Contact Name: _____

Address: _____

Phone: _____ Fax: _____

E-Mail: _____ Tax ID#: _____

Signature of Company Representative : Date

The company/organization intends to submit a proposal for RFP #2019-03 _____

The company/organization will **NOT** be submitting a proposal for RFP #2019-03 but would like to remain on the vendor list for these services for the future. _____

Please complete and return this form to Lauren Leone no later than Friday, March 11, 2019.

Via Fax: 914-220-3091

Via E-mail: lleone@mamkschools.org

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FORM OF PROPOSAL

The District requests that the Proposers respond to all sections in this Form of Proposal.

PROPOSING FIRM

Firm Name _____

Address _____

Telephone _____ Fax _____

Company Web Address _____

Contact E-mail Address _____

Printed Name of Responding Partner _____

Authorized Partner Signature _____

PROPOSAL 1: (include additional sheets as may be necessary)

A. Retainer pricing for all Legal Services with the District intention to award the total Retainer Contract to one Firm. Pricing is inclusive of Retainer Services as outlined in this RFP. Proposed Retainer amount is to include all clerical support, paralegal service or partner. There are no additional charges allowed under this contract (i.e., mileage, tolls, telephone calls, etc.)

2019-2020 - Annual Retainer to Provide All Legal Counsel _____
Under One Retainer

2020-2021 - Annual Retainer to Provide All Legal Counsel _____
Under One Retainer

2021-2022 - Annual Retainer to Provide All Legal Counsel _____
Under One Retainer

2022-2023 - Annual Retainer to Provide All Legal Counsel _____
Under One Retainer

2023-2024 - Annual Retainer to Provide All Legal Counsel _____
Under One Retainer

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FORM OF PROPOSAL (cont.)

B. If Proposer believes any particular service as listed in this RFP should or should not be included in the engagement agreement please list the service, the reason for which it should or should not be included and the fee structure by which the district would be charged for such service.

PROPOSAL 2: (include additional sheets as may be necessary)

A. Pricing for Retainer Services for each individual type of Legal Services with The District intention to award each service separately to the same Firm or separate Firms. Pricing is inclusive of Services as outlined in this RFP and shall include clerical support, paralegal service or partner. There are no additional charges allowed under this contract (i.e., mileage, tolls, telephone calls, etc.)

2019-2020

Annual Retainer to Provide General Counsel	_____
Annual Retainer to Provide Labor Relations Counsel	_____
Annual Retainer to Provide Tax Certiorari Counsel	_____
Annual Retainer to Provide Tax Certiorari Counsel	_____

2020-2021

Annual Retainer to Provide General Counsel	_____
Annual Retainer to Provide Labor Relations Counsel	_____
Annual Retainer to Provide Tax Certiorari Counsel	_____
Annual Retainer to Provide Special Education Counsel	_____

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FORM OF PROPOSAL (cont.)

2021-2022

Annual Retainer to Provide General Counsel _____

Annual Retainer to Provide Labor Relations Counsel _____

Annual Retainer to Provide Tax Certiorari Counsel _____

Annual Retainer to Provide Special Education Counsel _____

2022-2023

Annual Retainer to Provide General Counsel _____

Annual Retainer to Provide Labor Relations Counsel _____

Annual Retainer to Provide Tax Certiorari Counsel _____

Annual Retainer to Provide Special Education Counsel _____

2023-2024

Annual Retainer to Provide General Counsel _____

Annual Retainer to Provide Labor Relations Counsel _____

Annual Retainer to Provide Tax Certiorari Counsel _____

Annual Retainer to Provide Special Education Counsel _____

B. If Proposer believes any particular service as listed in this RFP should or should not be included in the engagement agreement please list the service, type of counsel under which the service would be provided, the reason for which it should not be included and the fee structure by which the district would be charged for such service.

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FORM OF PROPOSAL (cont.)

PROPOSAL 3: (include additional sheets as may be necessary)

Proposer may recommend an hourly pricing structure for all ancillary services that may be performed during the contract period that fall outside of the Retainer Services listed in this RFP

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NON-COLLUSIVE BIDDING CERTIFICATION

The following statement is made pursuant to Section 103-D of the General Municipal Law, as amended by Chapter 675 of the Laws of 1966, and Section 139-D of the State Finance Law, as amended by Chapter 675 of the Laws of 1966, and Section 2604 of the Public Authorities Law, as amended by Chapter 675 of the Laws of 1966.

By submission of this bid proposal, the bidder certifies that he/she is complying with Section 103-d of the General Municipal Law as follows:

Statement of non-collusion in bids and proposals to political subdivision of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation, or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury:

Non-collusive bidding certification.

- (a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief:
 1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and,
 3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- (b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the reasons therefore. Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.

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NON-COLLUSIVE BIDDING CERTIFICATION (cont.)

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certifications referred to in subdivision II of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing, and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of corporation.

The bidder affirms the above statement as true under the penalties of perjury.

CORPORATE SEAL [if bidder is a corporation]	BIDDER COMPANY NAME: ADDRESS: PHONE #: FAX #:
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Authorized Signature

(Sign)

(Name & Title of Signer)

SWORN to before me this _____ day of _____, 2019

(Notary public)

MAMARONECK UNION FREE SCHOOL DISTRICT
REQUEST FOR PROPOSAL
RFP #2019-03 – LEGAL COUNSEL

CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the School District receive information that a Bidder/Contractor is in violation of the above-referenced certification, the School District will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the School District shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default. The School District reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, _____, being duly sworn, deposes and says that he/she is the _____ of the _____ Corporation and that neither the Bidder/ Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

SIGNED

SWORN to before me this _____ day of _____, 2019

(Notary public)

MAMARONECK UNION FREE SCHOOL DISTRICT
REQUEST FOR PROPOSAL
RFP #2019-03 – LEGAL COUNSEL

**DECLARATION OF BIDDER’S INABILITY TO PROVIDE CERTIFICATION OF COMPLIANCE WITH THE IRAN
DIVESTMENT ACT**

Bidders shall complete this form if they cannot certify that the bidder /contractor or any proposed subcontractor is not identified on the Prohibited Entities List. The District reserves the right to undertake any investigation into the information provided herein or to request additional information from the bidder.

Name of the Bidder: _____

Address of Bidder: _____

Has bidder been involved in investment activities in Iran? _____

Describe the type of activities including but not limited to the amounts and the nature of the investments (e.g. banking, energy, real estate) _____

If so, when did the first investment activity occur? _____

Have the investment activities ended? _____

If so, what was the date of the last investment activity? _____

If not, have the investment activities increased or expanded since April 12, 2012? _____

Has the bidder adopted, publicized, or implemented a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran? _____

If so, provide the date of the adoption of the plan by the bidder and proof of the adopted resolution, if any and a copy of the formal plan. _____

In detail, state the reasons why the bidder cannot provide the Certification of Compliance with the Iran Divestment Act below (additional pages may be attached):

I, _____ being duly sworn, deposes and says that he/she is the
_____ of the _____ Corporation and the foregoing
is true and accurate.

SIGNED

SWORN to before me this _____ day of _____, 2019

(Notary public)

MAMARONECK UNION FREE SCHOOL DISTRICT
REQUEST FOR PROPOSAL
RFP #2019-03 – LEGAL COUNSEL

FORM OF DISCLOSURE

THE UNDERSIGNED AFFIRMS THAT THE FOLLOWING CONSTITUTE ALL OFFICERS, DIRECTORS, PARTNERS, OR CONTROLLING PRINCIPALS OF THE FIRM:

Name

Title

1. Does any Mamaroneck Board Member, administrator, or employee possess any financial interest, directly or indirectly, in the Firm? _____ If yes, set forth the basis upon which a financial interest exists in the Firm:

2. Has the Firm or any of its officers, directors, partners, or controlling principals possessed any interest in transactions heretofore entered into with Mamaroneck School District? _____ If yes, please describe transaction(s):

3. Does any direct relative of a member of the Board , administrators, or staff possess any financial interest, directly or indirectly, in the Firm (For purpose of this inquiry a direct relative is to be defined as a parent, spouse, child or sibling). _____ If yes, set forth below the Mamaroneck School District Board Member, administrator, or staff member whose relation possess an interest and the relationship:

THE UNDERSIGNED AFFIRMS THAT THE ABOVE STATEMENTS ARE TRUE AND UNDERSTANDS THAT ANY FALSE STATEMENT SHALL CONSTITUTE A VIOLATION OF THE PENAL CODE OR GENERAL MUNICIPAL LAW AS APPLICABLE.

Firm: _____

Signature: _____

Print Name _____

Title: _____ Date: _____