

BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT

The seal of Briarcliff Manor Union Free School District is a circular emblem. It features a central shield with a torch, a book, and a scale of justice. Above the shield is a banner with the text "EST. 1898". The outer ring of the seal contains the text "BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT" and the Latin motto "CRESCAM ET LUCEBO" at the bottom. The seal is faintly visible in the background of the document.

**REQUEST FOR PROPOSAL
for
Legal Services – Bond Counsel**

2023-2024 to 2027-2028

April 25, 2023

Proposal Due No Later Than 3:00 p.m. on May 19, 2023

Background

The Briarcliff Manor Union Free School District (the “District”) is located in Westchester County, New York. The district has an enrollment of approximately 1,300 students and a the 2022-23 general fund budget is \$56,280,408. The District is currently undergoing a \$26.6 million capital project and is investigating an Energy Performance Contract.

The District is interested in receiving proposals from qualified firms to provide legal bond counsel services.

Scope of Services

The individual(s) and/or firm(s) awarded as the result of this **RFP** will provide legal services and guidance on topics including, but not limited to the following:

1. Bond Counsel services including but not limit to:
 - a. Rendering a legal opinion with respect to the authorization and issuance of notes and bonds;
 - b. Providing all legal services, advice, and/or opinions as requested by the District relating to the issuance of Tax Anticipation Notes (TAN), Bond Anticipation Note (BAN) and bond issuance;
 - c. Reviewing and opining preliminary official statements, official statements, and other disclosure documents necessary or appropriate to the authorization, issuance, sale, or delivery of notes and bonds;
 - d. Advising the District regarding tax law arbitrage requirements and on federal and state tax and securities law matters, as appropriate;
 - e. Maintaining familiarity with the unique characteristics of the District, including the statutes and provisions governing its operations;
 - f. Providing services relating to existing notes and bonds.

Proposal Response Format

1. Qualifications/Experience for the Individual/Firm:
 - a. Briefly describe the individual's or firm's experience and expertise in providing services to school districts in various fields of practice of law.
 - b. State the name(s) of the attorneys who would be assigned to Briarcliff Manor UFSD.
 - c. Provide background information including education, length of employment, areas of practice and professional credentials and affiliations for the attorneys who would be assigned to Briarcliff Manor UFSD.
 - d. Identify the nature of any potential conflict of interest the individual or firm might have in providing these services to the District.

- e. Description of how the firm communicates proposed and new laws/regulations to clients.
- f. The District is requesting documentation on the financial stability of the firm and information relating to the firm's history and longevity.
- g. Provide any other information that might be beneficial to the District.

2. Fee Structure

- a. This section should include information on the fee structure to be charged for services performed.
- b. A rate sheet may be attached describing rates for various levels of service.
- c. Include any other cost and price information that would be contained in a potential agreement with the District
- d. Please include pricing for the 2023-24 fiscal year and four additional renewal fiscal years; 2024-25, 2025-26, 2026-27 & 2027-28. The District reserves the right to renew the contract after 2024-25 based on this submission.

3. References

- a. Each proposal submitted must include a list of current school district clients. The information should include contact name, title, address, email address and telephone number.

4. Miscellaneous

- a. This section should include any additional recommendations, suggestions or information above and beyond the requirements listed in the **RFP**. Include cost information related to these suggestions, if applicable

5. Complete Non-Collusive Affidavit

Instructions to Firms Responding to the RFP

Please send one (1) hard copy or digital copy (jbrucato@briarcliffschools.org) of your proposal (marked: CONFIDENTIAL, BOND COUNSEL RFP RESPONSE) and completed *Non-Collusive Affidavit* to the District for receipt by 3:00 PM EST on Friday, May 19th, 2023 at the following address:

Mr. John Brucato
Assistant Superintendent for Finance & Operations
45 Ingham Rd
Briarcliff Manor, New York 10510

Responses shall be submitted by the designated deadline. Responses may be withdrawn prior to the opening date and time, upon written request of the respective firm(s). Responses received after the stated deadline will be returned to the respective firm(s) unopened. If it becomes necessary to revise any part of this RFP, or if additional data or information is necessary to clarify any of its provisions, an addendum will be provided.

Any questions pertaining to this RFP shall be directed to John Brucato at jbrucato@briarcliffschools.org. No inquiries should be made to any other appointed or elected officials of the District regarding this RFP. The District reserves the right to reject any or all submittals in response to this RFP.

Expenses for developing and submitting RFP responses are entirely the responsibility of the firm(s) responding and shall not be chargeable to the District.

Selection Criteria

Proposals will be evaluated on the following criteria:

- Overall Firm Experience
- Area of Law Experience
- Relevant Municipal/School District Experience
- Financial Evaluation
- References

Non-Collusive Affidavit

By submission of this proposal, the firm certifies that the firm is complying with Section 103(d) of the General Municipal Law as follows:

Statement of non-collusion in proposals to political subdivision of the state. Every bid or proposal hereinafter made to a political subdivision of the state or any public department, agency or official thereof where competition 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 proposer and affirmed by such proposer as true under penalties of perjury:

“By submission of this proposal, each firm and each person signing on behalf of any firm certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- 1) The fees in this proposal 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 proposer or with any competitor;
- 2) Unless otherwise required by law, the fees which have been quoted in this proposal have not been knowingly disclosed by the proposer prior to opening, directly or indirectly, to any other proposer or to any competitor; and
- 3) No attempt has been made or will be made by the proposer to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition.”

Name of Firm: _____

Proposal Submitted by: _____

Signature: _____

Date: _____