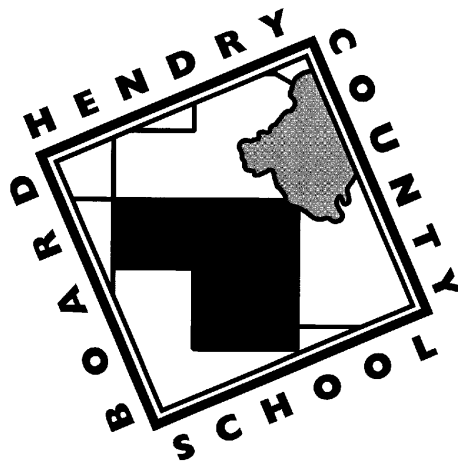


# School Board of Hendry County, Florida

Post Office Box 1980

LaBelle, FL 33975



RFP #20-0004

Legal Services (School Board Attorney)

Submit Proposals in Person or by Mail to:

RFP #20-0004 Legal Services  
School Board of Hendry County, Florida  
Attention Finance Department  
Post Office Box 1980  
LaBelle, FL 33975

Proposals due no later than  
3PM September 25, 2019



## **REQUEST FOR PROPOSALS (RFP #20-0004) FOR LEGAL SERVICES / BOARD ATTORNEY**

### **I. ORGANIZATION**

The School Board of Hendry County, Florida

### **II. PURPOSE**

The School Board of Hendry County, Florida, is seeking proposals for the selection of a School Board Attorney.

### **III. REPORTING RELATIONSHIP**

The School Board Attorney reports to the School Board of Hendry County, Florida

### **IV. SCHOOL BOARD OF HENDRY COUNTY, FLORIDA, BACKGROUND**

The School Board of Hendry County, Florida, is a rural school district with

- Six Elementary Schools
- Two Middle Schools
- Two High Schools
- Approximately 7,000 students,
- 850 full-time employees
- Annual budgeted expenditures of \$73 million

FY 18-19 legal expenses, including litigation, was approximately \$99,229. FY 17-18 was approximately \$78,362. Legal services for debt activities, when needed, is outsourced to Bryant Miller and Olive.

### **V. RESPONSIBILITIES OF THE POSITION**

The position involves the delivery of high quality legal services for the School Board. The work involves the review and interpretation of federal, state and local laws and regulations and legal advice and counsel as it relates to matters of the District. The School Board Attorney must offer a full range of legal services to be expected by a diverse public school system. The School Board Attorney is appointed by, and is directly responsible to, the School Board, and provides legal guidance to the Superintendent and the Administrative Staff.

The School Board Attorney is expected to attend every regularly scheduled board meetings, typically held at 5:30 PM on the first (Clewiston location) and third (Labelle location) Tuesday of the month.



### **Scope of Educational Law Services**

The School District seeks legal services from a law firm(s) that will take all necessary steps to provide our District with excellent legal advice and defense while remaining sensitive to the issue of cost. The educational areas for which services are requested include, but are not limited to, the following:

- Board of Education Representation
- Human Resources
- Exceptional Education and Student Services
- Instruction
- Finance and Management Services.

Attorneys in the law firm should be knowledgeable, experienced and up to date in the following law areas:

- School board liability
- Civil rights issues
- Employee rights
- EEOC matters
- Student rights
- Rights of students with disabilities
- Employee discipline and discharge
- School district unions and collective bargaining
- Contract administration and arbitration
- Recent and pending changes in federal and state laws
- State Board of Education regulations
- Sunshine law, FOIA, and ethics

In addition to the specific educational law areas listed above the law firm representing the Hendry County School Board will be expected to provide the following General Law Services:

- Administrative Contact – Available for telephone and individual conferences with administrators, staff and board of education members as needed.
- Respond to legal responsibilities and obligations of the School Board members, such as contract reviews and litigation, as requested.
- Guidance and prevention– Provide informational updates on relevant issues such as court decisions or attorney general’s opinions.
- Policy Review – Review the policy handbook, administrative regulations and student/faculty personnel activities. Provide policy drafting and regular policy update recommendations.
- Special Opinions – Prepare legal opinions on education-related legal questions at the request of the School Board Members and the Superintendent.
- Legislative Services – Monitor and review changes in public school law. Advise the School Board Members and Superintendent of legislative



changes and necessary Board and administrative actions. Provide legislative drafting service or review for the Board.

- Other Services – Review School Board agenda and attend regular and certain special School Board meetings.

School District insurance is handled by Relation Insurance Services.

## **VI. SUBMISSION OF PROPOSALS**

Proposals must be submitted to:

Ann Marie S. Ricardi, Chief Financial Officer  
School Board of Hendry County, Florida  
Post Office Box 1980  
LaBelle, FL 33975

Eight (8) copies of the proposal must be received at the above address no later than September 25, 2019 at 3:00 p.m. Proposals received after the 3:00 p.m. deadline will not be considered. Proposals must be enclosed in a sealed envelope clearly marked on the outside with the following:

### ***RFP # 20-0004 Sealed Proposal for Legal Services School Board Attorney***

All questions concerning this RFP should be addressed in writing to the above address or via email at [ricardia@hendry-schools.net](mailto:ricardia@hendry-schools.net). Questions must be received no later than 5PM September 19, 2019 and will be answered in the form of an addendum and posted to the District's website by end of business day on September 20, 2019. Any changes to the RFP will be announced and posted on the District's website at [hendry-schools.org](http://hendry-schools.org).

## **VII. PROPOSED CALENDAR**

August 20, 2019 .....Board approval of RFP  
August 22, 2019 .....Request for proposal advertised via normal channels  
September 25, 2019 .....Due date for responses to RFP  
September 26, 2019 .....Proposals distributed to Board Members for review and ranking  
October 1, 2019.....Public discussion and ranking of top candidates  
October 15, 2019.....Proposer Presentations and Interviews (Time to be determined) if needed  
November 5, 2019.....Selection of Proposer and award of contract

NOTE: Timeline is tentative and is subject to change

## **VIII. ELIGIBILITY**

- a. Minimum qualifications include: law degree from an accredited law school; admitted to the Florida Bar; five (5) years of experience in the practice of law; and demonstrated skill and experience in Florida School Board law.



- b. The Proposer must demonstrate an ability to meet the minimum performance criteria listed below:
- General knowledge of school board policies, state, federal, and administrative laws relating the area of School Board Attorney.
  - General knowledge of judicial proceedings, rules of evidence and methods of legal research.
  - Skills in conducting research on complex legal matters and preparing sound legal opinions.
  - Ability to interpret and apply legal principles and precedents in resolving complex legal problems.
  - Ability to communicate clearly and concisely, orally and in writing.
  - Ability to participate in the preparation and presentation of civil litigation matters before County, State and Federal Courts.
  - Ability to participate in the preparation and presentation of civil litigation matters before the Division of Administrative Hearings.
  - Ability to establish and maintain effective working relationships with public officials, management, staff, subordinates and general public.
  - Proven records of excellence in legal counseling and advising senior management or Boards.
  - Proven experience in structuring, negotiating, and drafting documentation for complex transactions.
  - Knowledge of institutional/corporate governance issues and concerns.
  - Experience with Florida School Laws, including general knowledge of Florida Department of Education requirements and practices.
  - Minimum of five (5) years practicing law in the United States
  - Strong management, legal analysis and writing skills.
  - Understanding of the need for appropriate risk assessment and management on behalf of the Board.
  - Knowledge of judicial procedures, rules or evidence and methods of legal research.
  - Broad breadth of legal experience and/or able to surround oneself with counsel to handle cases in such areas as:
    - Florida school laws
    - Contract law
    - Constitutional law
    - Civil Rights law
    - Local government agency laws
    - Administrative procedures act
    - Government contracts
    - Procurement process
    - Public records laws
    - Sunshine law
    - Labor/employment law
    - Collective bargaining

## **IX. EVALUATION OF PROPOSALS**

All responsive proposals meeting the eligibility requirements defined herein will be evaluated by the School Board. The selection will be primarily based on the following 100-point scale:



- Responsiveness of the proposal in clearly stating and describing an understanding of the work to be performed (10 points)
- Demonstrated abilities to perform the required services (20 points)
- Experience and past record (25 points)
- Fee structure (25 points)
- References (15 points)
- Location (5 points)

After the board's review and determination of top candidates, each representative may be asked to come before the board and make a 15-minute presentation and/or respond to questions. The presentation can add up to 25 points to the total point value, for a final recommended selection. The rating scale is proposed and may be changed.

## **X. GENERAL REQUIREMENTS**

1. **Waiver and/or Rejection:** The School Board of Hendry County, Florida reserves the right to reject any and all proposals in whole or in part; with or without cause, and to accept proposals, if any, which in its judgment will be in its best interest. The School Board reserves the right to waive irregularities in submissions when in its best interest.
2. **Addenda to this Request:** If addenda are issued to this request, changes will be announced and posted on the District's website as specified in Section VI of this RFP. Prior to submitting the proposal, it will be the sole responsibility of each proposer to contact the District at the address or website described in Section VI or this request to determine if addenda were issued and, if so, to obtain such addenda.
3. **Contract Period:** The term of the contract for School Board Attorney will be on an annual basis, with the first year extending from the start of the contract until June 30, 2020. Four one-year contract extensions will be allowed, for the July 1 – June 30 for subsequent years.
4. **Cancellation:** The School Board may, during the contract period, terminate or cancel the services covered in the RFP with or without cause upon thirty (30) days written notice to the successful proposer.
5. **Information Not in RFP:** No verbal or written information that is obtained other than by information in this document or addendum to this RFP will be binding on the School Board.
6. **Preparation Cost of Proposal:** The School Board of Hendry County, Florida, will not reimburse any proposer for any costs associated with the preparation and submittal of any proposal or for any travel and per diem costs that are incurred by any proposer.

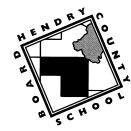


7. **Proposal Public Record:** Proposer acknowledges that all information contained within their proposal is part of the public domain as defined by the State of Florida Sunshine and Public Record Law.
8. **Conflict of Interest:** The award of this RFP is subject to the provisions of Chapter 112, Florida Statutes. All proposers must disclose with their proposal the name of any officer, director or agent who is also an employee of the School Board of Hendry County, Florida.
9. **Contact Prohibition:** All prospective proposers are instructed **not** to contact any member of the Board or any other employee of the District, other than the Chief Finance Officer regarding this solicitation. Any such contact by the proposer can result in this proposal being rejected.
10. **Insurance Requirements:** During the life of the agreement, the attorney or firm must maintain sufficient and satisfactory professional insurance including but not limited to workers' compensation and professional liability.
11. **IRS Form W-9.** Prior to contract start date, the selected firm must provide an IRS Form W-9

## **XI. INFORMATION TO BE INCLUDED IN THE PROPOSAL**

To maintain comparability and to enhance the review process, proposals are to be organized in the manner prescribed below. This entire package should not exceed 25 pages.

1. **TITLE PAGE:** Show the RFP number and subject, the name of the proposer, local address, telephone number, name of contact person, and the date.
2. **TABLE OF CONTENTS:** Include a clear identification of the material by section by page number.
3. **LETTER OF TRANSMITTAL:** Limit to two pages:
  - a. Briefly state the proposer's understanding of the work to be done and make a positive commitment to perform the work.
  - b. Identify the individuals who will be authorized to make representations for the proposer, including titles, and telephone numbers.
  - c. Give the attorney's Florida Bar Number. If the Proposer is a firm, the Bar Number for each individual attorney must be listed.



**4. PAST RECORD AND EXPERIENCE**

- a. Provide background information of the firm, including whether the firm is local, regional or national.
- b. Identify the location of the office from which the work is to be done and the number of partners, managers, supervisors, seniors and other professional staff employed at that office.
- c. Professional resume of lead attorney(s) to be assigned to the School Board of Hendry County, Florida, including past employment history. Show evidence of experience and competence as a practicing attorney with a minimum of five years of school district experience.
- d. Describe any ethics complaint or disciplinary action taken against the attorney, firm or individual associated with the firm by the Florida Bar Association or any relevant State regulatory agency within the past seven years.
- e. Identify any conflicts of interest you may have in representing Hendry County School District, and how you would be willing to resolve these or any future conflicts

**5. REFERENCES**

Give the names and addresses of at least three (3) school boards or other agencies for whom similar services have been performed within the last five (5) years and the date and the specific service rendered in each case.

**6. FEE STRUCTURE**

Fees are requested to be submitted as an hourly rate for the following categories. However, consideration will be given to other billing methodologies.

- 1. General Legal Services
  - 2. Non General Legal Services
  - 3. Specialized Services
  - 4. Litigation Services
- a. Compensation for services and fees rendered will be at an agreed upon rate per hour (prorated for partial hours). Compensation and fees will be paid monthly by School Board. Attorney agrees to maintain this rate of compensation and fees for a period of two (2) years from the date of agreement.
  - b. The School Board will reimburse Attorney for all direct costs incurred by Attorney, his agents or employees, in connection with the duties under the agreement. Specifically included, but not limited to (a) Court costs or legal expenses advanced, (b) long-distance telephone charges, (c) expenses for travel where such is necessary in the representation of the School Board, (d) books, reference or other materials approved by the School Board, and (e) fees, dues, and expenses for participation of Attorney in the Florida School Board Attorneys Association, and various





meetings of school board attorneys, school board members, or educators as authorized by the School Board from time to time.

- c. Attorney will keep and maintain accurate time records showing the time expended in representing School Board. Time records are to be kept within one-tenth (1/10) of an hour unless otherwise determined. Attorney's billing for fees and costs or expenses will be submitted monthly and will include an itemized statement for such charges. Every March and September, or as otherwise agreed upon, the attorney or firm will furnish and provide to School Board a to-date report of the cost of legal services by project or case.

**7. SUPPLEMENTAL DOCUMENTS (Signed and Dated)**

- Invitation to Bid
- Public Entity Crimes Form, as required by FS 287.133 (2) and
- Drug-Free Workplace Certification Form. Hendry County School District is a Drug Free Workplace. It is a requirement that the attached Drug Free Workplace Form be signed and included in this package.

INTERVIEW/PRESENTATION. After evaluation of the proposal responses, the Board reserves the right to request an interview or presentation from any or all proposers. The purpose of the interview will be to give the Board the opportunity to ask questions and receive clarification on the proposals. Times for presentations, if needed, will be determined at the time of the interview request.

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