



BROOKS COUNTY INDEPENDENT SCHOOL DISTRICT

RFQ #2324-02

REQUEST FOR QUALIFICATIONS

SCHOOL ATTORNEY (General Counsel / Legal Services)

GENERAL INFORMATION/INSTRUCTIONS/REQUIREMENTS

I. General Information

A. Intent of RFQ

The Board of Trustees of the Brooks County Independent School District is requesting Qualifications proposals from law firms to perform legal services. The primary term of the contract will be from January 1, 2024 (or the day after Board approval depending which is sooner) to December 31, 2024 with the option to renew for one-year terms from January 1st to December 31st.

B. Background and Scope of Work

At minimum, the scope of services required to be provided by the selected firm are as follows:

Law firms are submitting qualifications to serve as Legal Counsel to the Board, which advises on legal matters affecting Board members and the Brooks County Independent School District. The attorneys shall be responsible directly to the Board, but shall be required to work with Superintendent of Schools and other administrative staff. Counsel should be familiar with laws applicable to school districts in the State of Texas, which include the Texas Open Meetings Act, the Texas Public Information Act, federal and state laws governing elections, administrative law, personnel law, school finance, disability law and other general schools laws that may arise in the context of representation of the Board of Education.

C. Qualifications

The primary interest of the Brooks County Independent School District is securing the highest quality legal representation at a reasonable cost.

The proposer must demonstrate the capability to perform legal services needed and possess the integrity and general reputation of a reliable law firm. The firm should be of sufficient size to handle all anticipated legal matters involving a public school system. The firm must have a support staff large enough to accomplish required tasks. Preference will be given to firms that can demonstrate experience with school law or related areas.

D. Term of the Legal Services Contract

The Primary term of the Contract will be from January 1, 2024 to December 31, 2024 with the option to renew for one-year terms from January 1st to December 31st. Either party shall have the option of terminating the agreement with at least 30 days written notice to the other party.

E. Selection Process

1. Review of Proposals

The Brooks County ISD Board of Trustees will review proposals received and determine which firms will be invited to present their proposals at a Board of Trustee meeting.

2. Decision

Any decision to contract with a firm will be posted for action in a regular or special meeting of the Board of Trustees. The Brooks County ISD Board of Trustees reserves the right to accept or reject any and all proposals and to negotiate portions thereof.

II. Contents of Proposals

Firms submitting proposals shall include the following items/information:

A. Cover letter and cover page

Your proposal must include the firm's cover letter and cover page.

B. Technical Component

The firm will convey its understanding of the work to be done by describing and explaining the scope of services it will provide to the Brooks County Independent School District.

C. Management Component

The firm will furnish satisfactory evidence of its capability to provide, in a professional and timely manner, the legal services stated in the Request for Qualifications. To meet this requirement:

1. State whether the proposer is a local law firm and state the location where primary office is located.
2. Provide evidence that the proposer has experience in performing legal services to school districts/governmental entities. Include a representative list of current and past clients along with the names and telephone numbers of contact persons and number of years and types of services provided.

3. State the name(s) and qualifications of the attorney(s) who will be primarily responsible for delivery of the required services. Describe how the firm will communicate with the delivery of services to the District including the description of any special arrangements the proposer will make to ensure delivery of quality services in a timely manner.
4. Describe technology support available to the law firm that will assist in providing quality, timely and efficient service.
5. Describe library holdings, periodicals, etc., available to the law firm which may assist in the successful delivery of services.
6. Outline the procedures and timelines by which the Board of Trustees and/or the Superintendent of Schools or their designee(s) will have access to legal advice.

III. Conditions for Submission and Acceptance of Proposal

All proposals in response to this request must meet the following conditions to be considered:

- A. Proposer shall respond to all elements as stated in this Request for Qualifications.
- B. The Brooks Independent School District reserves the right to reject any and all proposals and to negotiate portions thereof. Proposals that address only part of the requirements contained in this Request of Qualifications may be rejected.
- C. The proposer shall furnish additional information that the district may reasonably require.
- D. The Brooks County Independent School District will not be liable for any cost incurred in the preparation of proposals.
- E. The Brooks County Independent School District may ask proposers to send a representative for a face to face interview prior to formal selection of a proposal. The Brooks County Independent School District will not be liable for the costs incurred by the proposer in connection with such an interview.

IV. SUBMITTAL CONTENT:

To enable Brooks County Independent School District to efficiently evaluate the **Statement of Qualification (SOQ)** packages, it is MANDATORY that Respondents follow the required format in preparing their SOQ. SOQs that DO NOT confirm to the prescribed format may be rejected and may not be evaluated.

Pages shall be no larger than letter size (8-1/2" by 11") or, if folded to that dimension, twice letter size (11" by 17"). Each section (defined below) shall be separated by a tabbed divider.

Each SOQ shall be organized in the following order:

- A. Outside Cover and/or First Page: This page/cover shall contain the name of the SOQ "Statement of Qualifications for Legal Services, the full legal name of the Respondent, RFQ project number, and the submittal date".
- B. Table of Contents: The next page shall be a Table of Contents.
- C. **Section 1 Divider (Letter of Transmittal)**
 - 1. Transmittal Letter: Following the divider shall be a letter transmitting the SOQ to:

Brooks County Independent School District

Requirements of the Transmittal letter
 - shall be a maximum of 2 pages
 - shall identify full, official business name
 - may highlight the key aspects of the qualifications of the team to provide legal services to BCISD.
 - shall state that the submittal is valid for 90 days.
- D. **Section 2 Divider - Firm Profile and Relevant Experience (30 pages maximum, single sided)**
 - 1. Executive Summary: This section should introduce the purpose and scope of the RFQ and be one page in length only. It should include administrative information including, response date, Respondent's contact name, phone number, and email address. This section must also include a brief summary of the Respondent's qualifications and ability to meet BCISD's overall requirements to include under the following headers:
 - Brief Company Overview: Include years in Business / Founded / Experience / Specialties / Certifications / Areas of Service

- Qualifications of Key Team Members / Partners (Provide for Each Legal Services Submitting for)
 - Team Members
 - Partnership Team Member
 - Lead Team Members Name, Phone Number, and Email Address
 - Relevant Experience
 - Years in Business
 - Years providing service in this area of law
 - Partner leading this teams experience in this area of law
 - Team providing this area of law’s collective years of experience, etc.
 - Partnerships
 - Other plans

2. Corporate Qualifications and Relevant Experience

- The Respondent should expand on the brief company overview above in the executive summary, including more on company history, corporate structure and organization, number of years in business, number of years of K-12 legal service experience.
- Respondents should describe their current experience in other school districts.
- If the SOQ submittal involves a joint venture, Respondent needs to demonstrate successful joint ventures in the past, and how the joint venture would be structured for this RFQ.
- Submitter must identify and describe directly relevant experience for each area of Legal Service they are submitting qualifications for and two (2) references for each type of Legal Service they are submitting qualifications for.

Limit firm’s relevant experience, for each relevant type of Legal Service example provided, to two pages maximum.

3. Proposed Personnel

- The Respondent should provide detailed information about the experience and qualifications of the Respondent’s assigned personnel considered key to the success of the project and for each type of Legal Service submitting for.
- This information should include education, training, relevant and related experience, and any applicable certifications. This should also specifically include the role and responsibilities of each person on this project and how those roles support the scope of work, his/her planned level of effort, his/her anticipated duration of involvement, and his/her availability.

- Respondents must include a statement that all key staff members proposed are available to staff this contract. Please clearly indicate which proposed staff members are proposed as full time and part time efforts.
- The persons responsible for providing Legal Services must provide:
 - Resumes: Provide resumes of the firm’s principal staff members who are available for assignment to this project indicating certifications, licenses and relevant experience. Clearly describe each proposed team members relevant K-12 experience and level of commitment to this project as a percentage basis.
 - Financial Statement: Provide a statement of the Respondent’s financial stability and ability to fulfill the obligations of the contract(s) that may be awarded with their submittal. If your firm is unable to provide audited financial statements, please provide a letter why your firm cannot provide and submit any available financial information

E. Section 3 Divider - Forms

1. Form A – CERTIFICATION AND DISCLOSURE STATEMENT
2. Form B – CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
3. Form C – STATEMENT OF NON-COLLUSION
4. Form D – ANTI-TRUST CERTIFICATION STATEMENT

Form A

CERTIFICATION AND DISCLOSURE STATEMENT

A person or business entity entering into a contract and/or agreement with BCISD is required by Texas Law to disclose, in advance of the contract and/or agreement award, if the person or an owner or operator of the business entity has been convicted of a felony. The disclosure should include a general description of the conduct resulting in the conviction of a felony as provided in section 44.034 of the Texas Education Code. The requested information is being collected in accordance with applicable law. This requirement does not apply to a publicly held corporation.

If an individually owned Company:

Has the owner(s) ever been convicted of a felony? Yes No

If a Corporation, Partnership, Limited Partnership, etc.:

Has any owner, or partner, of your business entity
been convicted of a felony? Yes No

Has any manager or director of your entity been convicted
of a felony? Yes No

Has any employee of your entity been convicted of a felony? Yes No

If Yes, give details:

If you answered yes to any of the above questions, please provide a general description of the conduct resulting in the conviction of the felony, including the Case Number, the applicable dates, the State and County where the conviction occurred, and the sentence. (Attached additional pages, if necessary.)

I attest that I have answered the questions concerning prior convictions truthfully and to the best of my knowledge.

CORPORATE OFFICER’S SIGNATURE

PRINTED NAME

TITLE **DATE**

Form B

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

The undersigned certifies on behalf of the company and its key employees that neither the company nor its key employees have been proposed for debarment, debarred or suspended by any Federal Agency.

The undersigned agrees to notify the District in the event that the company or any of its key employees are proposed for debarment, debarred or suspended by any Federal Agency or by any State of Texas agency. Notification shall take place within five (5) business days after the company or employee is notified of either debarment or suspension or possible debarment or suspension. Notification shall be sent to:

Brooks County ISD

Attn: Mrs. Alissa M. Sanchez

Director of Finance

200 W. Bennet Street

Falfurrias, TX 78355

I attest that I have answered the questions regarding debarment and suspension truthfully and to the best of my knowledge.

CORPORATE OFFICER'S SIGNATURE

PRINTED NAME

TITLE

DATE

Form C

STATEMENT OF NON-COLLUSION

The undersigned Respondent does hereby certify:

- a. That all statements of fact in such SOQ are true.
- b. That such SOQ was not made in the interest of, or on behalf of any undisclosed person, partnership, company, association, organization or corporation.
- c. That such SOQ is genuine and not collusive or sham.
- d. That Respondent(s) has not, directly or indirectly by agreement, communication or conference with anyone, attempted to induce action prejudicial to the interest of the District or of any other bidder or anyone else interested in the proposed procurement.
- e. That Respondent(s) did not, directly or indirectly, collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham bid or SOQ, or that anyone should refrain from bidding or withdraw his bid or SOQ.
- f. That Respondent(s) did not, in any manner, directly or indirectly seek by agreement, communication or conference with anyone to raise or fix the bid or SOQ price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of his bid or SOQ price, or that of anyone else.
- g. That Respondent(s) did not, directly or indirectly, submit his bid or SOQ price or any breakdown thereof, or the contents thereof, or divulge information on data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any individual or group of individuals, except to the District, or to any person or persons who have a partnership or other financial interest with said Respondent in his business.
- h. That Respondent(s) did not provide, directly or indirectly to any officer or employee of the District any gratuity, entertainment, meals, or anything of value, whatsoever, which could be construed as intending to invoke any form of reciprocation or favorable treatment.
- i. That no officer or principal of the undersigned firm is related to any officer or employee of the District by blood or marriage within the third degree or is employed, either full or part time, by the District either currently or within the last two (2) years.
- j. That no officer or principal of the undersigned firm nor any subcontractor to be engaged by the principal has been convicted by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy or any other act in violation of any state or federal anti-trust law in connection with the bidding, award of, or performance of any public work contract and/or agreement with any public entity.

I attest that I have answered the questions regarding non-collusion truthfully and to the best of my knowledge.

CORPORATE OFFICER'S SIGNATURE

PRINTED NAME/TITLE

DATE

Form D

ANTI-TRUST CERTIFICATION STATEMENT

(Texas Government Code §2155.005)

I affirm under penalty of perjury of the laws of the State of Texas that:

1. I am duly authorized to execute this agreement/contract/SOQ on my own behalf or on behalf of the company, corporation, firm, partnership or individual (Company) listed below;
2. In connection with this SOQ, neither I nor any representative of the Company have violated any provision of the Texas Free Enterprise and Antitrust Act, Tex. Bus & Comm. Code Chapter 15;
3. In connection with this bid, neither I nor any representative of the Company have violated any federal antitrust law; and
4. Neither I nor any representative of the Company have directly or indirectly communicated any of the contents of this SOQ to a competitor of the Company or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Company.

Company Name: _____

Company Address: _____

City, State, Zip Code: _____

Phone: _____

Facsimile: _____

Respondent Signature: _____

Respondent Printed Name: _____

Position with Company: _____

(IF DIFFERENT FROM ABOVE)

Official Authorizing SOQ

Corporate Officer's Signature: _____

Printed Name: _____

Position with Company: _____

Date: _____

V. RFQ TIMELINE:

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|--|--|
| October 20, 2023 | Submit RFQ notice to newspaper |
| October 25 & November 1, 2023 | RFQ publication dates & web posting |
| November 13, 2023 | Last day to accept RFQ questions or clarifications at 3 p.m. |
| November 27, 2023 | General Counsel RFQ due date at 2:00 p.m. |
| November 28 & 29, 2023 | Review and evaluation of RFQ at a special board meeting. |
| November 30, 2023 | Legal counsel finalists will be notified of presentation and interview |
| December 6, 2023 | Special board meeting for presentations & interviews of legal counsel representative of selected finalists |
| December 13, 2023 | Recommendation of legal counsel for board action at the monthly board meeting |

VI. Selection Criteria

Proposals will be qualified based on the ability of each proposer to carry out all the requirements contained in this RFQ. The qualifying process will be based on demonstrated competence and qualifications of the proposers. Following is a summary of the factors that will be evaluated in qualifying proposers, and the total number of points that will be applied in association with each:

| FACTORS | POSSIBLE POINTS |
|------------------------------------|------------------------|
| Business and Organization Strength | 20 |
| Legal Expertise and Experience | 45 |
| Conflicts and Business Conduct | 20 |
| Fee Structure | 10 |
| Other Factors | 5 |
| Total | 100 points |

VII. Procedures for Submitting the Request for Qualifications:

- A. Responses to the Request for Qualification should be addressed to:

(November 13, 2023 is the last day to accept RFQ questions or clarifications at 3 p.m.)

Brooks County ISD
Attn: Mrs. Alissa M. Sanchez
Director of Finance
200 W. Bennet St.
Falfurrias, TX 78355

- B. Number of copies

Eight original copies and one flash drive of the RFQ Submittal are required in a sealed envelope and/or package which ***must be marked on the outside of the lower left hand corner of envelope/package as follows:***

SEALED RESPONSE FOR: RFQ #2324-02

GENERAL COUNSEL - LEGAL SERVICES

DUE DATE: November 27, 2023 @ 2:00 P.M.

Sealed responses for RFQ Submittals may be delivered in person or mailed to:

**Brooks County ISD
Attn: Maria E. Anzualda
Board President
P.O. Box 589
200 W. Adams Street
Falfurrias, TX 78355**

The Contract, if awarded, will be awarded to the Respondent whose submittal is deemed most advantageous to the District, as determined by the selection committee and upon approval of the School District Board of Trustees. BCISD reserves the right to reject any or all RFQs if deemed to be in the District's best interest and reserves the right to reject any or all RFQs if deemed to be in the District's best interest and reserves the right to waive any/all formalities or technicalities.

GENERAL COUNSEL FEE STRUCTURE

A. Hourly Fee Structure "as needed" Option

Billing for Legal Services:

Shareholder Attorney time: \$ _____ per hour
Associate time: \$ _____ per hour
Paralegal time: \$ _____ per hour

Travel time: _____

B. Flat Fee Option

Describe in detail if the option is available:

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C. Billing for Expenses

Provide a list of expense billing policies as follows:

Copy charges: _____

Facsimile transmissions: _____

Postage: _____

Courier/Mail/Priority and
Overnight Service: _____

Travel expenses: _____

Mileage _____

Billing increments: _____

Engagement Methodology: _____

Other expenses not listed above:

Signature of Authorized Official

Date: