

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
5735 47th Avenue
Sacramento, California 95824
(916) 643-2464

REQUEST FOR PROPOSALS

LEGAL SERVICES

DUE: June 10, 2011

Patricia A. Hagemeyer
Chief Business Officer
Administrative Services

Sacramento City Unified School District
Sacramento, California

LEGAL SERVICES

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I. PROPOSAL OBJECTIVE

OBJECTIVE:

The Sacramento City Unified School District utilizes the services of a variety of legal firms. It is the intent of the District to continue this practice and to develop a list of firms qualified to provide such services in the areas of: General Legal Counsel, Human Resources, Employee Relations/Negotiations, Facilities, Special Education, and Charter Schools. Firms that demonstrate expertise, and are subsequently designated, will be utilized. One or more firms may be engaged.

The overall objective of this Request For Proposal is to permit firms the opportunity to submit their relevant school district legal experience, client references and proposed schedule of charges for consideration.

LEGAL SERVICES

II. INSTRUCTIONS FOR PROPOSING FIRMS

DISTRICT as used in these documents means the Sacramento City Unified School District.

A. PREPARATION OF PROPOSAL FORMS. The DISTRICT invites proposals in the prescribed format to be submitted at the time and place as stated in section II B.

Proposals shall be submitted in the prescribed format, completed in full. The signatures of all persons signing the proposal shall be in longhand and executed by principal duly authorized to make contracts. Erasures or other changes shall be noted over by the initials of the Proposer.

REQUESTS FOR INFORMATION. Questions related to this RFP should be submitted in writing to Kimberly Teague, Contracts Specialist, at kimt@scusd.edu no later than Wednesday, May 25, 2011. Specify "RFP for Legal Services" in the subject line.

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B. FORM AND DELIVERY OF PROPOSALS. The proposal shall be made in the format provided; and the complete proposal, together with any and all additional materials required, shall be enclosed in a sealed envelope addressed and delivered or mailed to the District Office mailing address:

Sacramento City Unified School District
Patricia A. Hagemeyer, Chief Business Officer
5735 47th Avenue
Sacramento, CA 95824

and received at that office on or before

4:30 P.M. on Friday, June 10, 2011

The sealed envelope shall be marked on the outside lower left corner with the words “Legal RFP.” The Proposer’s Firm name shall also appear on the outside of the envelope.

1. It is the Proposer’s sole responsibility to ensure that their proposal is received prior to the scheduled closing time for receipt of proposals.
2. One (1) original proposal signed and six (6) separate digital copies (individual cd’s or flash drives) in PDF format.

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- C. NAME AND NATURE OF PROPOSER’S LEGAL ENTITY.** The Proposer shall specify in the proposal the name and nature of its legal entity and any fictitious name(s) under which it does any business. The proposal shall be signed under the correct Firm name by an authorized officer or person.
- D. AWARDS OF CONTRACTS.** The DISTRICT reserves the right to reject any or all proposals, or to waive any irregularities or informalities in any proposals. In the event an award is made to a Firm or Firms, and such Firm or Firms fails or refuses to execute a contract and provide any required documents within ten (10) days after notification of the award of the contract, the DISTRICT may award the contract to another Firm or release all Firms.
- E. AMENDMENTS.** Firms are advised that the DISTRICT reserves the right to amend the requirements of this Request For Proposal prior to the date set for opening of proposals. Such revisions will be posted on the DISTRICT website. If, in the judgment of the DISTRICT, the change is of such nature that additional time is required for Firms to prepare their proposals, the DISTRICT will change the date for submission of proposals and notify all Firms in writing of the new date.
- F. PROPOSAL VALIDITY.** Proposals shall be valid and in force for ninety (90) days after the due date.
- G. PROPOSAL COSTS.** The DISTRICT will not pay the Firm or agents for any costs incurred by the Proposer in the preparation, presentation, demonstration or negotiation of this proposal.

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H. EVALUATION FACTORS. The evaluation of proposals and the basis of award will be based on the review and analysis of numerous factors, which will include, but not be limited to, the following:

1. Background and experience in providing work as identified in the Work Requirements section of this RFP.
2. Qualifications of personnel.
3. References of work done of similar nature.
4. Costs, including hourly rates for all levels of service and personnel, travel time costs, and costs for support services of word processing, copying etc.
5. Billing methods including service term, dates of specific services rendered and subject matter.

I. ORAL PRESENTATIONS. Upon review of all submitted proposals, a limited number of Firms deemed most qualified to provide the requested legal services may be invited to a screening panel to verbally present their qualifications and respond to questions from panel members. The panel may include, but will not be limited to, members of the Superintendent's Cabinet and other designees or others qualified to rate providers.

III. PROPOSAL STATEMENT OF WORK REQUIREMENTS

The Sacramento City Unified School District is inviting proposals for legal service in the following areas (your proposal letter required under IV-A must indicate whether you are proposing to serve in all areas, only as General Counsel, or only as special counsel for services "B" through "F"):

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- A.** General Legal Counsel – The DISTRICT currently employs one full-time highly experienced paralegal who will assist the General Counsel. The General Counsel will provide consultation, advise and opinions to the Superintendent, Cabinet and the Board, will attend Board Meetings, and will coordinate the involvement of other specialist counsels, when required, and if appropriate.
- B.** Human Resources
- C.** Employee Relations Negotiations
- D.** Facilities
- E.** Special Education
- F.** Charter Schools
- G.** Bond Counsel

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A. GENERAL COUNSEL

- Provide advice and consultation with the Board of Education, the Superintendent and the Cabinet in connection with their general and specific powers and duties.
- Be physically present on days of Board meetings and as needed.
- Attend all Board of Education Meetings.
- Provide advice with respect to all Constitutional questions.
- Provide advice and consultation with respect to issues related to the Brown Act and California Public Records Act.
- Assist in the development of employment contracts upon request.
- Provide advice, consultation and representation on student matters, including hearings and related proceedings.
- Provide advice and consultation with respect to school board elections and ballot measures.
- Provide such other services as are inherent in matters relating to the operation of a school district.
- Provide information on new federal and state laws that may impact the DISTRICT operation and advise appropriate action.
- Assist the DISTRICT in developing contract templates for outside services as needed.
- Review contractual agreements as requested.

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B. HUMAN RESOURCES

- Provide advice, consultation and representation of the District with respect to the employment, discipline and dismissal of certificated and classified employees.
- Provide advice, consultation and representation on issues involving District employees relative to: legal qualifications; teaching credentials and certificates, and other required licenses; proposed reductions in force and related seniority and tenure questions; various forms of leaves of absence; substitute and part-time employees; and matters related to compensation.

C. EMPLOYEE RELATIONS/NEGOTIATIONS

- Provide advice, consultation and representation on all matters related to certificated and classified collective bargaining and related negotiated agreement development.
- Provide advice, consultation and representation on grievances and actions taken to PERB, hearings, etc.
- Provide such other services as are inherent in matters related to employee relations and negotiations.

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D. FACILITIES

- Provide advice, consultation and representation related to real property matters, including acquisition, disposition, environmental impact reports, leasing and construction of facilities, as well as contract and bidding requirements.
- Provide advice, consultation and representation related to facility measures, such as General Obligation Bonds, Mello Roos taxes, etc.
- Provide advice and consultation related to formation and responsibilities of facility related committees, such as the Bond Oversight Committee.
- Provide such other services that are inherent in matters related to school facilities.

E. SPECIAL EDUCATION

- Provide advice, consultation and representation in connection with the placement of special needs students, including participation in hearings and representation in related administrative and judicial proceedings.
- Provide such other services as are inherent in matters related to the provision of services to special needs students.

F. CHARTER SCHOOLS

- Provide advice, consultation and representation related to charter school matters, including public hearings, processing charter petitions, the approval or denial of petitions, revocation of petitions, Proposition 39 facility requests, conversion and start-up requirements, calculation of pro rata share fees, administrative service fees, and appropriate monitoring procedures.
- Provide such other services as are inherent in matters related to charter schools.

IV. PROPOSAL LETTER FORMAT

A. **GENERAL REQUIREMENTS**

Responses must be legible, clear, accurate, complete, and must be signed by the authorized representative.

1. Legal Services to be Provided

- Indicate the type of legal services for which your Firm is submitting a proposal, the name of the individual or Firm submitting the proposal, local address, the name of you Firm's contact person, the telephone number of the contact person, and the date.

2. Profile of Firm

- State whether your Firm is local, regional, or national. Include information on any affiliations.
- State the location of the office from which the work will be done, the number of attorneys, and other staff employed at this office.
- Describe the range of activities performed by the office and staffing from which the work will be performed.

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3. Firm's Staffing and Qualifications

- Indicate the name(s) of the person or persons who will be the primary contact(s) regarding each type of legal services as specified in the Request for Proposals. Provide a brief resume of the primary contact(s)' background, training, and experience. Specifically discuss the individual(s)' experience in providing legal and advisory services to an organization and program similar in size and scope as specified in this Request for Proposals.
- Indicate the names of other attorneys who may be assigned to provide services. Include a brief resume of each individual's background, training, and experience.

B. AREAS OF EXPERTISE

1. Address each area of expertise for which you are submitting a proposal.

- Inservice Training: Address types of inservice training for the Board of Education and DISTRICT employees for which you have expertise.
- Litigation & Other: Describe how the Firm would respond to litigation, mediation, fact-finding and arbitration.

C. ADDITIONAL PROPOSAL REQUIREMENTS

1. Fee Schedule

- Describe in detail all fees to be charged, including hourly rates for each level of service. Describe in detail, charges for travel, telephone calls, and any other expenses to be separately billed. Indicate how billings are specific for each area/case. Also, identify billing increments (i.e. 1/10 hour, ¼ hour etc.)

2. Agreement Form

- Include a copy of your Firm's standard agreement covering legal services.
- Include a sample billing statement.

3. Exceptions

- Indicate if your Firm makes any exceptions to the requirements of this Request for Proposals. Indicate any proposed alternative requirements and the rationale.

4. Additional Information

- List any additional services that your Firm provides, but which were not listed in the Request for Proposals.
- Provide details of any litigation against your firm within the last five (5) years.

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V. PROPOSAL FORM

- A.** Pursuant to the DISTRICT’S “Request For Proposals” and the other documents relating thereto, the undersigned Firm, having become familiarized with the terms of the complete request, hereby proposes and agrees to be bound by all the terms and conditions of the complete contract if selected by the DISTRICT.
- B.** It is understood that the DISTRICT reserves the right to reject this proposal and that the proposal shall remain open and not be withdrawn for a period of ninety (90) days.
- C.** It is understood that the DISTRICT reserves the right to contract with other law firms for specific legal issues or cases.
- D.** If the Proposer is a corporation, the undersigned hereby represents and warrants that the corporation is duly incorporated and is in good standing in the State of California, and that _____ , whose title is _____ , is authorized to act for and bind the corporation.
- E.** It is understood and agreed that, if requested by the DISTRICT, the Firm shall furnish a notarized financial statement, references, and other information sufficiently comprehensive to permit an appraisal of its current financial condition.

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F. The Proposer attests to having read and understood all documents contained and referenced to in this Request For Proposal.

G. The Proposer has submitted their Professional Liability Certificate of Insurance with a minimum of \$5.0 million dollars:

Amount: _____

Carrier: _____

Policy Expiration Date: _____

Includes Hold Harmless: Yes_____ No_____

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Proposer, in connection with this proposal, guarantees that all the representations made herein are true and correct.

COMPANY

Name: _____

Signed by: _____

Date: _____

Business Address: _____

PARTNERSHIP

Name: _____

Signed by: _____, Partner

Date: _____

Business Address: _____

Other Partners: _____

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CORPORATION

Name: _____
(a _____ Corporation*)

Business Address: _____

Signed by: _____ President**, Date: _____

*A corporation receiving the award shall furnish evidence of its corporation existence and evidence that the officer signing the Agreement and Bonds is duly authorized to do so.

**Or local official empowered to bind the Corporation.

**JOINT
VENTURE**

Name: _____

Signed by: _____, Joint Venturer

Date: _____

Business Address: _____

Other Parties to Joint Venture:

If an Individual: _____
(signed)

Doing Business as: _____

If a Partnership: _____

Signed by: _____

If a Corporation: _____
(a _____ Corporation)

By: _____ Date: _____

Title: _____

VI. INFORMATION REQUIRED OF PROPOSING FIRMS

A. GENERAL INFORMATION

The Proposer shall furnish the following information. Failure to comply with this requirement may cause its rejection. Additional sheets may be attached if necessary.

“You” or “your” as used herein refers to the Proposer’s Firm and any of its officers, directors, shareholders, parties or principals.

1. Firm name and address: _____

2. Telephone: _____

3. FAX: _____

4. Type of Firm: (check one)

Individual ____ Partnership ____ Corporation ____

Joint Venture ____ Association ____ Other ____

5. Names and titles of senior partners in the Firm:

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6. Number of years the Firm has been in business under the present name:

_____ years.

Do you now or have you ever had any direct or indirect business, financial or other connection with any individual official, employee or consultant of the DISTRICT? Yes ____ No ____

If "Yes," please explain.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this ____ Day of _____, 20____, at _____, State of _____ .
City, County

(signature of officer)

(signature of officer)

VII. GENERAL TERMS AND CONDITIONS

- A. NON-DISCRIMINATION.** The Firm agrees that it will not engage in nor permit unlawful discrimination in employment of persons because of the race, religious creed, color, national origin, ancestry, age, sexual orientation, marital status, or sex of such persons. Therefore, the Firm agrees to comply with applicable Federal and State laws including, but not limited to, the California Fair Employment Practices Act as set forth in Government Code Sections 12900 et seq and Labor Code Section 1735.
- B. PROHIBITED INTERESTS.** No officer, employee or agent of the DISTRICT who is authorized in such capacity and on behalf of DISTRICT to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting or approving any agreement, shall become directly or indirectly interested financially in this Contract or in any part thereof. No officer, employee, or attorney of or for DISTRICT who is authorized in such capacity and on behalf of DISTRICT to exercise any executive, supervisory or other similar functions shall become directly or indirectly interested financially in this Contract or in any part thereof. Proposer shall receive no compensation and shall repay DISTRICT for any compensation received by the FIRM hereunder, should Proposer aid, abet or knowingly participate in violation of this Article.

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- C. INSURANCE.** The Firm shall maintain insurance with a minimum of \$5 million dollars to protect itself from claims under Workers' Compensation laws as required by Labor Code Section 3700 and for claims or damages for personal injury, including death and damage to property, which may arise from operations under the Contract. The Firm will be required to file with the DISTRICT current certificates of such insurance. Failure to furnish such evidence, if required by the DISTRICT, may result in the DISTRICT declaring the Proposer to be non-responsive or non-responsible.
- D. INVOICES AND PAYMENTS.** Unless specified otherwise, the Firm shall render invoices for services performed under the contract to the DISTRICT'S Legal Services Department. Invoices shall be submitted in a timely manner.