

Elmira City District School District

951 HOFFMAN STREET
ELMIRA, NY 14905
ATTN: MELISSA MENDOLERA
SCHOOL BUSINESS ADMINISTRATOR

REQUEST FOR PROPOSAL – LEGAL SERVICES

SUBMISSION DEADLINE: NOVEMBER 28, 2018 - 2:00 P.M.

ELMIRA CITY SCHOOL DISTRICT

951 Hoffman Street
Elmira, NY 14905
(607) 735-2857
Fax: (607) 735-2809

**Request for Proposal
Regarding Legal Services**

Pursuant to General Municipal Law #104-b

The general scope of services to be provided focuses on advising the Elmira City School District pertaining to legal matters, including participation in meetings of the Board of Education and school officials.

Brief Description of the District

Enrollment: 6,065 Students - K through 12
Number of Employees: 1,116
Administrators 40
Teachers 509
BOCES: Greater Southern Tier BOCES (GST BOCES)

Schools: Elmira High School
Ernie Davis Academy
Broadway Academy
Beecher Elementary School
Broadway Elementary School
Diven Elementary School
Fassett Elementary School
Hendy Avenue Elementary School
Parley Coburn Elementary School
Pine City Elementary School
Riverside Elementary School

Board of Education: 9 members

Budget: The 2018-2019 school year budget of \$127,885,274 was voted on by district voters on May 15, 2018 and was adopted by the Board of Education.

Scope of Services:

The specific responsibilities would include, but are not limited to, the following:

- Advising the Board, its Superintendent and Administrators on all legal matters in order to ensure the District is functioning in a matter consistent with appropriate laws and regulations.
- Serve as special counsel to the District for consultation with the Board of Education, its Superintendent and Administrators on legal matters concerning educational law issues involving the District.
- Upon request, members of the law firm selected are required to attend Board meetings. Counsel will be required to meet with the Board and the Superintendent and his/her staff concerning legal issues. These meetings frequently include third parties who are doing business with the District.
- Serve as special counsel to the School District in matters before the courts of the State, Federal Courts, the Commissioner of Education, Public Employment Relations Board, and Arbitrators.
- Representation of the District in employee and student discipline cases.
- Representation of the District in matters pertaining to children with disabilities.
- Construction law.
- Election law.
- Environmental Law
- Providing training on topics such as sexual harassment, the Americans with Disabilities Act, and Family Medical Leave Act.

Proposal Criteria:

Parties interested in submitting proposals should possess the following credentials:

- Demonstrated knowledge of the laws and regulations relevant to school districts.
- Representation of at least five (5) school districts or Boards of Cooperative Educational Services during the last year, and, to serve as references, a list of clients for which the firm has provided these services, including the dates such services were provided.
- Experience in adversary proceedings pertaining to school districts, including cases before the Commissioner of Education, cases before the Public Employment Relations Board,

arbitration matters, and cases in the courts of the State of New York. These proceedings must have concluded within the last five (5) years.

- Demonstrated experience regarding IDEA and Federal and State regulations pertaining to children with disabilities, including hearings, presentations and writings on this topic.
- Provide a statement concerning your firm's ability to devote sufficient time and resources to this type of work in relation to existing assignments the firm and the above-named individual(s) are currently involved with or will become involved with over the next twelve months. Disclosure of approximate response time is required.
- Submit samples of written opinions issued to school districts.
- Submit the names and resumes for each attorney who would be responsible for the representation of the District, setting forth their background in the field of public education and the specific areas of expertise for which the District can expect legal counsel.

Disclosure of Potential Conflict of Interest:

- Provide a statement regarding any potential conflict of interest issues the firm or attorney(s) assigned to this project might have or encounter.

Your proposal should include any retainer arrangement or hourly rate for services.

- If based on an hourly rate, provide the hourly rates to be charged for each individual to this project.
- Provide an explanation if fees will be calculated on any other basis. Itemize the type and estimate the amount of expenses for which your firm would see reimbursement.
- It is anticipated that a maximum not to be exceeded amount will be established for these services.

Proposal Evaluation:

Proposals for legal services will be evaluated based on the following criteria:

1. Expertise of the firm in the area of education law;
2. Experience of the firm with personnel cases;
3. Expertise of assigned personnel and experience with similar assignments;
4. Responsiveness to the Request for Proposal;
5. Cost of services in relation to scope.

Term of Engagement

A three year engagement is contemplated subject to annual review by the Board of Education. The District reserves the right to cancel the contract with the successful vendor anytime during the life of the contract if the District deems the vendor's service fails to meet the standards established by the detailed specifications or needs of the District. A thirty (30) day notice will be given.

Timeline for Process

Request for Proposal Issued	September 21, 2018
Due Date for Proposals	November 28, 2018 (2:00 PM)
Selected Firm Notified	January 15, 2018
Board of Education Approval	January 16, 2018

Inquiries and Submitting Proposals

All inquiries or submittals concerning this RFP should be directed to:

Melissa Mendolera
School Business Administrator
Elmira City School District
951 Hoffman Street
Elmira, NY 14905
mmendolera@elmiracityschoools.com

Requirements for Proposals

It is understood that the District is not liable for any cost/expenses incurred by the firm/individual prior to the issuance of contract or agreement.

All proposals must be received by the School Business Administrator no later than November 28, 2018 at 2:00 p.m. Any proposals received after this deadline will be returned unopened to the firm.

Each firm shall submit one original proposal and two copies to the address listed above. The envelope shall be labeled "Legal Proposal."

Each proposal shall include a statement of your understanding of the work to be done as well as why the firm believes itself to be the best qualified to perform the work.

Responses to this request for proposal should include an affirmation that there are no conflicts of interest between the firm/individual and the Elmira City School District.

Liability Requirements

Upon award, the successful respondent shall supply and maintain insurance which indemnifies and holds harmless the District, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly out of acts or omissions here under by the contractor or third party under the direction or control of the contractor. The successful respondent must furnish the District with Certificates of Insurance prior to commencement of work. The required coverage shall not be less than the following:

Workers Compensation-Statutory Requirements New York State Disability-Coverage Statutory Requirements General Liability/Property Damage - \$2,000,000 combined single limit policy Automobile Liability - \$1,000,000 Contractual Liability-Must be stated on C of I Errors and Omissions - \$1,000,000

INSURANCE CERTIFICATES SHALL NAME THE ELMIRA DISTRICT SCHOOL DISTRICT AS ADDITIONALLY INSURED PARTY AND SHALL STATE THAT ALL COVERAGE SHALL BE PRIMARY TO ANY COVERAGE HELD BY THE DISTRICT.

Cancellation

Any violation of the terms, conditions, requirements and/or non-performance of the agreement resulting from this RFP shall result in immediate cancellation. The agreement may be cancelled by the District for any other reason(s) upon 30 days written notice.

Additional Terms and Conditions

The successful respondent must comply with all federal, state and District of Elmira statues and codes as may be applicable to the scope of work detailed herein, including all labor laws.

Proposals and prices must remain valid for three (3) months.

The awarded contract shall be construed under the laws of the State of New York. All claims, actions, proceedings and lawsuits brought in connection with, arising out of, related to, or seeking enforcement of this contract shall be brought in the Supreme Court of the State of New York, Chemung County. In addition, respondents that are not incorporated in the State of New York shall produce a Certificate to do Business in the State of New York from the New York Secretary of State prior to executing their contract with The Elmira District School District.