


**FRESNO UNIFIED SCHOOL DISTRICT  
BOARD COMMUNICATION**

**BC Number: S - 3**

From the Office of the Superintendent	Date: February 8, 2019
To the Members of the Board of Education	
Prepared by: David Chavez, Chief of Staff	Phone Number: 457-3566
Cabinet Approval:	
Regarding: <b>Request for Proposals for Legal Services</b>	
<p>The purpose of this communication is to provide the Board information on a Request for Proposal (RFP) for Legal Services that will be posted through March 8, 2019 for general legal services for the Board of Education.</p> <p>A Request for Proposal is a document issued by an organization to solicit proposals through a bidding process for specific products, solutions and/or services. The RFP informs vendors of the organization's needs and expectations so that in return, vendors can submit proposals addressing the requirements outlined in the RFP.</p> <p>The district has not issued an RFP for general legal services for the Board of Education in at least 15 years; therefore, we wanted to inform the Board of this process. Attached is the draft RFP that was posted and sent to law firms for general legal services.</p> <p>If you have any questions or require further information, please contact David Chavez at 457-3556. Thank you.</p>	
<p><b>Approved by Superintendent:</b>  Date: <u>2/8/19</u></p> <p>Robert G. Nelson, Ed.D. _____ Date: _____</p>	



Fresno Unified School District

Request for Proposals 19-30

for

Legal Services

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Request for Proposals 19-30 Issued: February 8, 2019  
Deadline for Submittal of Proposals: March 8, 2019

## Request for Proposals 19-30 for Legal Services

### I. OBJECTIVE

The Fresno Unified School District (“District”) utilizes the services of legal firms for various issues and advice. 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, and Special Education. 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 Proposals is to permit firms the opportunity to submit their relevant school district legal experience, client references and proposed schedule of charges for consideration. The Board of Trustees is interested in selecting a firm to serve as General Legal Counsel and may select other firms to perform services in other areas.

#### Background

The Fresno Unified School District is the fourth largest district in the State of California serving approximately 73,000 students in grades pre-kindergarten through twelfth grade, as well as adult learners. The District has 106 schools across seven regions, including elementary schools, middle schools, comprehensive high schools, alternative high schools, and one adult school campus. The district serves a diverse student population with approximately 89% of students qualifying for free and reduced meals. The general fund budget is approximately \$1.0 billion.

### II. INSTRUCTIONS

Firms that have downloaded this RFP from the District Purchasing Department website must submit their intent to respond to [david.chavez@fresnounified.org](mailto:david.chavez@fresnounified.org).

Interested firms are invited to submit one original signed proposal and four (4) additional hard copies. The proposal shall be made in the format provided and the complete proposal, together with any and all additional materials, shall be enclosed in a sealed envelope addressed and delivered no later than 4:30 p.m. on March 8, 2019 to the following address:

Fresno Unified School District  
Attn: David Chavez, Chief of Staff  
2309 Tulare Street, Second Floor  
Fresno, CA 93721-2287

The sealed envelope shall be marked on the outside with the words “Legal Services RFP.” It is the proposer’s sole responsibility to ensure that their proposal is received prior to the scheduled closing time for receipt of proposals. No corrected or resubmitted proposals will be accepted after the deadline.

This Request for Proposals does not commit the Fresno Unified School District to award a contract or pay any costs incurred in the preparation of a proposal responsive to this request. The District reserves the right to accept all or part of any proposal or to cancel in part or in its entirety this Request for Proposals. The Board of Education further reserves the right to accept the proposal, or proposals, that it considers to be in the best interests of the Board and District.

All requirements must be addressed in your proposal. Non-responsive proposals will not be considered. All proposals, whether selected or rejected, shall become the property of the District. Firms are responsible for checking the website periodically for any updates or revisions to the RFP.

### **Requests for Information**

Questions related to this RFP should be submitted in writing to David Chavez, Chief of Staff at david.chavez@fresnounified.org no later than February 22, 2019 at 4:30 p.m. Specify "RFP for Legal Services" in the subject line.

## **III. SCOPE OF SERVICES**

The increasing complexity of school district operations requires the frequent procurement of legal services. Consequently, the Board of Education will retain an attorney or law firm as General Legal Counsel with the understanding that the Board of Education may choose to use other law firms or attorneys for additional legal services depending upon the nature and circumstances of the legal matters to be addressed.

It is the intention of these specifications that the law firm hereunder could be engaged to provide one, or a variety, of services, including but not limited to the following items:

- Administrative Contact** - Available for telephone and individual conferences with the Board of Education and Administrators. Counsel is expected to respond, at least verbally, to be followed in writing, within a maximum of twenty-four hours when an inquiry is made by the Board or Administration;
  - Attend all meetings of the Board of Education and attend meetings with committees or third parties upon request;
- Document Preparation** - Prepare all legal documentation as requested;
- In-service Education** - Prepare and present as requested in-service programs for administration, staff and board members on pertinent problem areas in school law;
- Information** - Provide periodic updates on administrative practice and board policies, including the review of important decisions and attorney general's opinions;

- **Policy Audit** - Upon request, audit board policy, administrative regulations, student and faculty personnel activities and provide policy update recommendations and policy drafting assistance;
- **Special Opinions** - Prepare legal opinions at the request of the Board and the Superintendent;
- **Education Law** - Matters pertaining to education law, specifically the laws affecting K-12 education institutions; California state education law and other federal, state, and local laws pertaining to school districts; and common public education policies in the state of California. Monitor and review changes in public school law enacted by the legislature and advise the Board and the Superintendent of the legislative changes and necessary Board and administrative actions;
- **Labor Law** - Matters pertaining to collective bargaining and all applicable laws related to labor/management relations in the public school setting;
- **School Employment Law** - Matters pertaining to non-collective bargaining and human resources law and policy including employee benefit issues;
- **Student Services** - Matters pertaining to student services including, but not limited to, special education, student discipline and residency;
- **Nonprofit** - Matters pertaining to both California education service agencies and education foundations;
- **Lawsuits** - Initiate and/or defend lawsuits as necessary and at the direction of the Board; advise the Board on pending litigation and potential litigation and obtain direction from the Board; and provide advice on actions to be taken by the Board and/or administration to avoid liability to the District; and
- **Miscellaneous** - Attend to other legal responsibilities and obligations of the Board, such as contracts and public bids, real estate/construction law, experience with regulatory compliance, constitutional law, special education, environmental issues, litigation, grievance hearings, disciplinary and contract non-renewal hearings and expulsion hearings.

#### IV. **SUBMISSION REQUIREMENTS**

In order for proposals to be considered, said proposal must be clear, concise, complete, well organized and demonstrate both respondents' qualifications, and its ability to follow instructions. The quality of answers, not length of responses or visual exhibits is important in the proposal. Qualified applicants should submit the following information no later than March 8, 2019, at 4:30 p.m. This submission, exclusive of any exhibits, should be in at least 12 point font.

- A. Statement of interest of why respondent would be the ideal candidate (maximum two pages).
- B. A resume (2-pages maximum) outlining the respondent's experience and qualifications. Please submit a resume for any person(s) who may be providing services.
- C. A response to each of the Evaluation Criteria described in section V.  
**This part of the submission should not exceed six (6) pages.**
- D. A Fee Schedule describing in detail all fees to be charged, including hourly rates for each level of service, charges for travel, telephone calls, and any other expenses to be separately billed.
- E. A minimum of three (3) professional references, which your firm has done business with in the last five years, that the District may contact in order to validate the respondents experience and trustworthiness.

**V. EVALUATION CRITERIA**

- A. Demonstrate that respondent is a current member in good standing of the State Bar of California.
- B. Possess at least 10 years of legal experience with at least 5 years of experience representing a public school district in California in a manner that demonstrates the respondents' trustworthiness.
- C. Possess experience and ability to effectively work with and represent a publicly elected board.
- D. Possess experience responding to legal inquiries on behalf of public officials and personnel, or local government agencies and commissions.
- E. Possess experience providing counsel and advice to a public school district on issues involving immunity, open meetings, open records, and FPPC Form 700 compliance.
- F. Possess experience in real estate law that directly involves governmental entities; including experience in right of way acquisition & eminent domain.
- G. Possess experience with construction contracts greater than \$10 million dollars for building public facilities.
- H. Possess employment law experience that includes representing the government during administrative personnel actions, adverse actions, grievances, and employee appeals.
- I. Possess experience appearing before administrative personnel boards: such as Department of Labor (DOL) and Equal Employment Opportunity Commission (EEOC).

## **VI. GENERAL TERMS AND CONDITIONS**

- A. There are no expressed or implied obligations for Fresno Unified School District to reimburse responding companies for any expenses incurred in preparing proposals in response to this RFP.
- B. The District reserves the right to request clarifications regarding information submitted as well as request additional information from one or more parties submitting a proposal.
- C. Parties submitting a proposal will be asked to provide proof of current professional responsibility insurance (also known as malpractice or errors and omission insurance) in a minimum amount of \$1 million prior to engagement and to comply with Rule of Professional Responsibility Rule 3-410 at all times while representing the district.
- D. By submitting a proposal, a party certifies that it has fully read and understood this RFP and has full knowledge of the nature, scope, quantity and quality of the work to be performed; the requirement of the services to be provided and the conditions under which the services are to be performed.
- E. No proposals may be withdrawn or revoked for a period of 60 days after date of opening.
- F. Ownership of all data, materials, and documentation prepared for and submitted in response to this RFP shall belong exclusively to the District and will be considered a public record and subject to public inspection in accordance with California Government Code § 6250 through 6276.48 unless otherwise provided by law.
- G. The District's Board of Trustees reserves the right to reject any or all proposals, call for new proposals, to waive any informalities in proposals, and to select the qualified parties. The District's Board of Trustees reserves the right to accept, reject, and/or negotiate any and all proposals or parts of proposals deemed by the Board to be in the best interest of the District.
- H. This RFP shall be governed in all respects by the laws of the State of California and the successful proposing parties shall comply with all applicable federal, state and local laws and regulations.
- I. By submitting their proposals, all proposing parties certify that their proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other person or party in connection with their proposals, and that they have not conferred on any District employee having official responsibility for this procurement transaction of any payment, loan, subscription, advance, deposit of money, services, or anything of value of more than nominal value, present or promise, unless consideration of substantially equal or greater value was exchanged.
- J. By submitting their proposals, all proposing companies certify that they are not currently barred from submitting bids or proposals on contracts by any agency of the State of California and the federal government, nor are they an agent of any person or entity that is

currently debarred from submitting bids on contracts by any agency of the State of California or the federal government.

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