



Hamilton County School District

Business Services Department
5683 US Highway 129 South, Suite 1
Jasper, Florida 32052
Phone: 386.792.1228 – Fax: 386.792.3681

Rex L. Mitchell, Superintendent

Michael D. Vinson Jr., Director of Business Services

School Board Members
Cheryl McCall – District 1
Gary Godwin – District 2
Saul Speights – District 3
Johnny Bullard – District 4
Suzette Wiggins – District 5

REQUEST FOR PROPOSALS

DATE: Thursday, June 21, 2018

SOLICITATION #: RFP 19-002

SOLICITATION NAME: School Board Attorney Services

PROPOSALS DUE: Monday, July 16, 2018
No Later Than: 2:00 PM

SUBMISSION OF PROPOSALS: Hamilton County School District
(NOTE 'SEALED BID' ATTN: FINANCE
ON ENVELOPE) 5683 US Highway 129 South, Suite 1
Jasper, FL 32052

PROPOSAL SUMMARY: The District requests proposals to provide high-quality legal services to the Board. The work involves the review and interpretation of federal, state, and local laws and regulations and the provision of legal advice and counsel as it relates to matters of significance to Florida school boards. Must be able to offer a full range of legal services to a relatively small and diverse public school system. The School Board Attorney is appointed by, and is directly responsible to, the School Board, and also works closely with the Superintendent and his or her administrative staff.

GENERAL REQUIREMENTS

1. **Solicitation:** Proposals are solicited from the public for the provision of high-quality legal services to the Hamilton County School Board.
2. **Submission:** Proposals are to be sent to the following address and are due by Monday, July 16, 2018, at 2:00 PM:

Hamilton County School District
ATTN: FINANCE
5683 US Highway 129 South, Suite 1
Jasper, FL 32052

Proposers must include the words 'SEALED BID' on the exterior of the envelope to avoid unintentional opening and to maintain bid integrity.

3. **Proposed Calendar:**

<u>Date</u>	<u>Time</u>	<u>Event</u>
Monday, July 16	2:00 PM	Proposals due to Finance.
Monday, July 16	2:30 PM	Proposals opened in Finance by the Director of Business Services.
Tuesday, July 17	11:00 AM	Proposals distributed to Board members for independent review and ranking.
Thursday, July 19	11:00 AM	Board member rankings provided to Director of Business Services for tabulation and selection of top three (3) proposers.
Tuesday, July 24	4:00 PM	Proposer presentations and interviews at Board Workshop.
Tuesday, July 24	TBD	Selection of Proposer at Board Workshop.
Tuesday, July 24	TBD	Award of RFP 19-002 at Special Meeting.
Monday, Sept 3	N/A	Beginning of Contract for Legal Services.

4. **Opening:** All sealed proposals will be opened by the Director of Business Services in the Business Finance Office on Monday, July 16, 2018, at 2:30 PM.
5. **Evaluation:** Proposers that submit qualifying sealed proposals and that properly complete and submit all required documentation will be evaluated and ranked by School Board members based on how each proposal addresses the criteria noted in the Proposal Details and Eligibility section of this RFP. The Director of Business Services will tabulate this initial evaluation and identify the top three (3) qualifying proposals. These proposers will be contacted on or before Friday, July 20, 2018, and provided a time to present before the Board at the Board Workshop on Tuesday, July 24, 2018.
6. **Presentations:** During presentations, the Board will complete the remainder of the evaluation sheets and provide them to the Director of Business Services for a final tabulation. The Director

of Business Services will be accompanied by two additional School Board employees to the Finance Office where this final tabulation will occur. The selected proposer will be identified at the conclusion of the Workshop.

7. **Award:** The Request for Proposal will be awarded to the selected proposer during the Special Meeting which follows the Board Workshop.
 8. **Final Tabulation Results:** All qualifying proposals will be included on the final tabulation sheet. The final tabulation sheet will be posted to the District website and will accompany this document under awarded or expired bids.
 9. **Contingency:** In the event the District is unable to negotiate a contract with the awarded proposer, the next highest proposer may be notified and given the opportunity to fulfill the requirements herein at that proposer's fee structure and under the terms and conditions already established in this RFP.
 10. **Inquiries:** Please direct all other inquiries, including any errors or inconsistencies found in this RFP, to Michael Vinson, Director of Business Services, at Michael.vinson@hamiltonfl.com.
 11. **Rejection and Waiver:** The District reserves the right to reject any bid and/or cancel the RFP based on information provided by the proposer and/or according to its best interest. The School Board also retains the option, should no proposal satisfy the RFP criteria, to directly negotiate with an attorney of the Board's choosing.
 12. **Addenda:** Any addenda to this request will be posted to the District website. It is the proposer's responsibility to check the website regularly.
 13. **Cancellation:** The School Board may, during the contract period, terminate or cancel the services covered in this RFP with or without cause upon thirty (30) days written notice to the selected proposer.
 14. **Cost to Respond:** The School Board will not reimburse any proposer for any costs associated with responding to this RFP.
 15. **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.
 16. **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 Hamilton County School Board.
 17. **Unrequested Solicitation:** Any solicitation of Board Members, members of management, or any other employee of the District by the proposer may result in this proposal being denied consideration.
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PROPOSAL DETAILS AND ELIGIBILITY

1. School Board and County Highlights:

- a. County population: > 14,000 residents.
- b. Public schools: Two (2) schools [High School (HCHS) and Elementary School (HCES)] located on the same campus as the District office just off of the I-75 exit for US Highway 129. In addition, the District owns educational buildings at five (5) other locations within the County which are vacant or being leased to third parties.
- c. Annual operating budget: > \$18,000,000.
- d. Students: Approximately 1,620
- e. Staff: Approximately 280

2. Eligibility:

a. Minimum Qualifications:

- (1) A law degree from an accredited law school.
- (2) Admitted to the Florida Bar.
- (3) Five (5) years of experience in the practice of law.

b. Preferred Qualifications:

- (1) Admitted to, or eligible for admission to, the trial bar of the United States District Court for the Middle District of Florida and the Eleventh Circuit Court of Appeals.
- (2) Experience in and knowledge of laws applicable to the primary practice area for which these services are being retained and laws applicable to K-12 school districts.

c. Preferred Performance Criteria: Demonstrated ability with the following:

- (1) General knowledge of school board policies; state, federal, and administrative laws relating to the area of School Board Attorney.
- (2) General knowledge of judicial proceedings, rules of evidence and methods of legal research.
- (3) General knowledge of local government law.
- (4) Skills in conducting research on complex legal matters and preparing sound legal opinions.
- (5) Ability to interpret and apply legal principles and precedents in resolving complex legal problems.
- (6) Ability to communicate clearly and concisely, orally and in writing.
- (7) Ability to participate in the preparation and presentation of civil litigation matters before County, State, and Federal Courts.
- (8) Ability to participate in the preparation and presentation of civil litigation matters before the Division of Administrative Hearings.
- (9) Ability to establish and maintain effective working relationships with public officials, management, staff, subordinates, and the general public.

- (10) Proven record of excellence in legal counseling and advising senior management or Boards.
- (11) Proven experience in structuring, negotiating, and drafting documentation for complex transactions.
- (12) Knowledge of institutional/corporate governance issues and concerns.
- (13) Experience with Florida School Laws, including general knowledge of Florida Department of Education requirements and practices.
- (14) Experience in, and familiarity with, a highly regulated industry/agency.
- (15) Strong management, legal analysis, and writing skills.
- (16) Ability to work with professional employees and lawyers.
- (17) Understanding of the need for appropriate risk assessment and management on behalf of the Board.
- (18) Broad breadth of legal experience and/or ability to surround oneself with counsel to handle complex 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 and Sunshine laws
 - Labor/employment/collective bargaining
 - Commercial
 - Real estate/construction law
 - Experience with regulatory compliance

3. **Proposal Requirements:** In order to facilitate comparability and enhance the review process, **eight (8) hard copies and one (1) electronic copy of the proposals should be provided and must be organized as outlined below.** Please forward the electronic copy to michael.vinson@hamiltonfl.com.
 - a. **Title Page:** Show the RFP number and name and the proposer name and contact information.
 - b. **Table of Contents:** Include a clear identification of the material by section and page number.
 - c. **Letter of Transmittal:** Limit to one or two pages and include the following:
 - (1) Briefly state the proposer's understanding of the work to be done and demonstrate a positive commitment to perform the work.
 - (2) Give names of the persons who will be authorized to make representations for the proposer, their titles, and telephone numbers.
 - (3) Give the attorney's Florida Bar Number. If the Proposer is a firm, the Bar Number for each individual attorney must be listed.

d. Past Record and Experience: This section should be designed to demonstrate the proposer meets or exceeds the qualifications and criteria listed in the eligibility section above. Ensure the following items are addressed in this section:

- (1) State whether the attorney or firm is local, regional or national.
- (2) Give 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.
- (3) Describe the attorney's or firm's experience in Florida school board attorney or similar law.
- (4) Describe any disciplinary action taken against the attorney, firm, or individual associated with the firm by the Florida Bar.
- (5) 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) Professional resume of lead attorney to be assigned to the School Board including past employment history.
- (7) Provide any additional information which demonstrates the firm and/or attorney meets or exceeds the qualifications and criteria under the eligibility section above.

e. Documents to be Returned:

- (1) Assurances and Attestation (Template Attached)
- (2) Non-Collusion Affidavit (Template attached)

f. Fee Structure: The fee structure should include a retainer for basic services such as contract review; Board meeting prep and attendance; standard provision of legal advice to the Board, Superintendent, and management; cursory reviews of common Board litigation and legal matters; inter alia. Other rates may be provided for work outside the scope of basic services.

In addition, reimbursement of fees for required trainings and certifications specific to Florida school boards is common to these engagements.

4. Evaluation Criteria and Weights: Possible total of 100% with the top three (3) proposers selected from the proposal evaluation to be provided the opportunity to present before the Board.

a. Proposal Evaluation: 75%

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|----------------------------------|-----|
| (1) Minimum Qualifications | 10% |
| (2) Preferred Qualifications | 10% |
| (3) Minimum Performance Criteria | 20% |
| (4) Value-Added Capabilities | 15% |
| (5) Fee Structure | 20% |

b. Presentation Evaluation: 25%

HAMILTON COUNTY SCHOOL BOARD
RFP 19-002

ASSURANCES AND ATTESTATION

I, the undersigned, as the proposer or legally authorized representative of the proposer, do hereby agree that:

- I have read and understood all instructions and stipulations contained in this RFP; AND
- All information included in this proposal, to the best of my knowledge, is accurate and meets the requirements set forth in this RFP; AND
- If selected, I will negotiate a contract for services with the District in good faith and in conformity to this RFP; AND
- I will comply with all applicable laws and regulations pertaining to the provision of legal services for Florida school board attorneys; AND
- I will maintain and provide verification upon request of the insurance requirements as set forth in this RFP.

Signature: _____

Date: _____

Print Name: _____

Title: _____

NON-COLLUSION AFFIDAVIT

State of Florida

County of Hamilton

_____ being first duly sworn, deposes and says that:

(1) He/she is the Owner, Partner, Officer, Representative, or Agent

of the Proposer that has submitted the attached Proposal;

(2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

(3) Such Proposal is genuine and is not a collusive or sham Proposal;

(4) Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Proposer, firm or person to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;

(5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Proposer or any other of its agents' representatives, owners, employees or parties in interest, including this affiant.

Signed, sealed, and delivered in the presence of:

BY: _____

Printed Name: _____

Title: _____

INSURANCE REQUIREMENTS

GENERAL LIABILITY:

1. Contractor shall maintain commercial general liability insurance with a minimum limit of \$1,000,000 per occurrence, \$2,000,000 general aggregate, and \$2,000,000 Products/Completed Operations Aggregate for bodily injury and property damage.
2. If work performed under the contract will require contact with students' coverage must include sexual abuse and molestation.
3. The policy must name The School Board of Hamilton County, Florida, its Officers, Employees, Volunteers and Agents as additional insured using ISO additional insured endorsement CG 20 26 or its equivalent.
4. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs available to The School Board of Hamilton County, Florida using ISO endorsement CG 20 01 or its equivalent.

WORKERS' COMPENSATION/EMPLOYERS' LIABILITY (As applicable):

1. Contractor agrees to maintain workers' compensation coverage in accordance with Chapter 440, Florida Statutes as may be amended from time to time, including employer's liability insurance.
2. The minimum Employers' Liability limits required are \$500,000/\$500,000/\$500,000.
3. Coverage will apply to all those persons rendering services to Contractor for The School Board of Hamilton County, Florida.
4. The policy will provide a Waiver of Subrogation endorsement in favor of The School Board of Hamilton County, Florida, its Officers, Employees, Volunteers and Agents.

NOTICE OF CANCELLATION:

1. Each insurance policy required by the insurance provisions of this contract shall provide the required coverage and shall not be suspended, voided, or canceled except after thirty (30) days' prior written notice has been given to The School Board of Hamilton County, Florida, except when cancellation is for non-payment of premium; then ten (10) days' prior notice may be given.
2. Such notice shall be sent directly to The School Board of Hamilton County, Florida.
3. If any insurance company refuses to provide the required notice, the Contractor or its insurance broker shall notify The School Board of Hamilton County, Florida of any cancellation, suspension, or non-renewal of any insurance within seven (7) days of receipt of insurer's notification to that effect.

IF APPLICABLE:

1. Contractor shall maintain professional liability insurance with a minimum limit of \$1,000,000 each claim and \$2,000,000 aggregate covering professional misconduct or lack of ordinary skill for those positions defined in the scope of services in the contract.
2. Consultant/service provider must provide proof of coverage for up to three (3) years after the completion of the engagement.

The Contractor agrees to provide the Board with a certificate or certificates of insurance evidencing the required insurance. Compliance with the requirements of this paragraph shall not relieve the Contractor of its liability and obligations under this Agreement.

RFP 19-002
SCHOOL BOARD ATTORNEY SERVICES
PROPOSER: _____
EXAMPLE EVALUATION TABULATION

INSTRUCTIONS: EVALUATE EACH CRITERIA BELOW WITH A 1-20 RATING SYSTEM MULTIPLIED BY THE WEIGHTS ASSIGNED.

CRITERIA NO.	MAIN CRITERIA DESCRIPTION	WEIGHT	Bd Mbr 1	Bd Mbr 2	Bd Mbr 3	Bd Mbr 4	Bd Mbr 5	AVERAGE RATING	WEIGHTED RANKING
1	Minimum Qualifications	10%	20	19	15	17	18	18	9%
2	Preferred Qualifications	10%	19	18	15	16	17	17	9%
3	Minimum Performance Criteria	20%	15	14	14	15	16	15	15%
4	Value-Added Capabilities	15%	15	12	13	14	13	13	10%
5	Fee Structure	20%	14	12	16	13	11	13	13%
	SUB TOTAL - Proposal Evaluation	75%	83	75	73	75	75	76	55%

6	Presentation Evaluation	25%	18	17	18	16	15	17	21%
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	TOTAL - Evaluation	100%	101	92	91	91	90	93	76%
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