



# Poughkeepsie City School District

18 South Perry Street  
Poughkeepsie, NY 12601

**RFP-19-0015  
LEGAL SERVICES  
2019-2020 SCHOOL YEARS**

**PROPOSAL DUE DATE: JUNE 21, 2019 @ 2:00 P.M.**

## NOTICE OF REQUEST FOR PROPOSALS

The POUGHKEEPSIE CITY SCHOOL DISTRICT is seeking sealed Proposals from qualified firms to provide the above referenced services to the District. The District seeks to purchase excellent affordable quality services.

A formal Request for Proposals (RFP) will be available May 20, 2019 on the District's website at [www.poughkeepsieschools.org](http://www.poughkeepsieschools.org) under Departments/Finance and Operations/Requests for Proposals or at the Poughkeepsie City School District, 18 South Perry Street, Poughkeepsie, New York 12601. Specific requirements are provided in the RFP.

The Proposer's qualifications, cost, and compliance with the requirements of the District will be used during the evaluation of the Proposer selection.

The response to this Request for Proposal must be received no later than 2:00 P.M., June 21, 2019 by the District Clerk of Poughkeepsie City School District.

The District reserves the right to reject any or all Proposals, in whole or in part, to waive any and all informalities, and to disregard all non-conforming, non-responsive, or conditional Proposals

**REQUEST FOR PROPOSALS SUBMITTAL FORM**

**(Please complete and return this form with your proposal.)**

To: District Clerk  
Poughkeepsie City School District  
18 South Perry Street  
Poughkeepsie, New York 12601

We have received your invitation for Legal Services Proposal, opening date June 21, 2019.

- Attached is our proposal.
- We regret that we will not be able to offer a proposal at this time.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

## NOTICE TO PARTIES SUBMITTING PROPOSALS

The Poughkeepsie City School District is requesting the submission of proposals for Legal Services for the 2019-2022 school years. Such services may be extended by the District and by mutual agreement between the parties. Specifications detailing the scope of services and conditions of the contract are included within these documents.

Proposals will be received until 2:00 p.m., Friday June 21, 2019 by the District Clerk located at Poughkeepsie City School District, 18 South Perry Street, Poughkeepsie, NY 12601 at which time and place all proposals will be publicly opened. Proposals may be submitted via mail or hand-delivery.

PARTIES SUBMITTING PROPOSALS ASSUME THE RISK OF ANY DELAY IN THE MAIL.

The Poughkeepsie City School District is not responsible for proposals opened prior to the time and date of the opening **if the identifying information does not appear on the envelope**. Proposals opened prior to the time and date of the opening are invalid. The Poughkeepsie City School District reserves the right to accept any proposal that it deems to be in the best interest of the District, or, in its discretion, to reject all proposals and reissue this request for proposals.

Proposals opened and read shall remain irrevocable for the contract period. The award of contracts, if at all, shall be made at a scheduled Board of Education meeting in July.

All proposals submitted will bind the parties submitting the proposals to the specifications, Instructions, and conditions set forth in these documents, and shall form an integral part of the contract awarded.

## **PROPOSAL REQUIREMENTS**

### **1. GENERAL INFORMATION**

The Poughkeepsie City School District, hereinafter referred to as the District, is requesting proposals from law firms to provide legal services to review and advise the Board of Education on General Legal Services and Labor Relations.

To be considered, proposals must be received by the District Clerk by 2:00 p.m., June 21, 2019. The District reserves the right to reject any or all proposals submitted.

During the evaluation process, the District reserves the right to request additional information or clarification from proposers, or to allow corrections to errors or omissions. At the discretion of the District, law firms submitting proposals may be requested to make oral presentations as part of the evaluation process. If chosen to present your proposal to the Board of Education, you will be required to furnish 8 copies of your proposal. You will be notified by June 28, 2019 if selected to present.

Submission of a proposal indicates acceptance by the law firm of the conditions contained in the RFP, unless clearly and specifically noted in the submitted proposal and subsequently confirmed in the contract between the District and the law firm selected. In the event of any inconsistencies or variations between this RFP or the proposal and the contract, the contract shall govern.

It is anticipated that the selection will be completed by the July Board of Education business meeting (date TBD). Following the notification of the selected law firm, a contract will be executed between the District and the law firm selected prior to August 1, 2019.

### **2. TERM OF ENGAGEMENT**

Contract will commence on August 1, 2019 and expire on June 30, 2022 and may be renewed annually for each successive year, subject to review and approval of the Board of Education of the District, and the annual availability of an appropriation. This agreement may be terminated upon 30 days' written notice by the Board of Education subject solely to payment of fees and disbursements as of the date of termination.

### 3. SCOPE OF SERVICE

The School District Legal Counsel serves as chief legal advisor to the Board of Education and its administrative staff. Services shall include but not be limited to the following:

- Act as School Board Attorney and chief legal officer of the District in all respects including but not limited to:
  - Employment law, including Civil Service Law Section 75 and Education Law Section 3020-a disciplinary proceedings, Public Employment Relations Board hearings, employment contract interpretation, harassment and discrimination investigations and report preparation;
  - Representing the District before the Public Employment Relations Board, the Division of Human Rights, the EEOC, state and federal courts and administrative agencies;
  - Federal and state special education laws and procedures, including conducting impartial hearings;
  - Student matters, including student discipline and superintendent's hearings;
  - School Board Policies and Regulations;
  - Appeals to the Commissioner of Education;
  - Real Property Tax law;
  - General Municipal law;
  - Construction law;
  - Election law;
  - Labor management and negotiations;
  - Personnel policies and employment handbooks;
  - Providing training on topics such as sexual harassment, the Americans with Disabilities Act and Family Medical Leave Act.

Act as legal counsel for the School District and/or its officers, agents and employees, including being present at all meetings both formal and informal as required by the Board of Education and/or the Superintendent of Schools (and/or his or her designee).

Provide a review of Board Agenda and Board Minutes.

Provide a status report to the Board of Education during July of each year on all pending legal matters.

Act as legal counsel for the School District in all actions and proceedings brought against the school district.

Cooperate with the School District's insurance carrier in all matters.

Provide accessibility to the daily questions that arise.

The law firm selected shall have qualified staff available by telephone for consultation during normal business hours. The District may require regular or periodic on-site consultation. The law firm will be expected to provide services as required throughout the year. The law firm may be expected to meet with the Board of Education in the school district on weekday evenings as may be necessary. Counsel may be requested to attend Board meetings on weekday evening as may be necessary.

#### **4. PROPOSAL SUBMISSIONS**

The contract will not necessarily be awarded to the lowest proposal. All proposals will be reviewed by the Board of Education.

All proposals shall provide information regarding the management and qualification of law firm as detailed in Part 1 below, as well as a detailed fee cost as required in Part 2 below.

Incomplete submissions may not be considered for award. All materials submitted in response to this RFP shall become the property of the District.

##### **Part 1 – Management and Qualifications:**

In setting forth its qualifications, each firm submitting a proposal shall:

- a) Provide the name of the firm, how long the firm has been in business, the length of its experience in providing school districts general counsel and labor relations as well as a brief description of its business activities and history;
- b) Identify the specific attorneys who will be involved in this engagement, the experience each possess, and the location of the office from which they work and provide a detailed biography and/or resume outlining the experience and credentials;
- c) Provide the name and title of person(s) submitting the proposal, the firm's main office address, and primary and secondary points of contact and their telephone and fax numbers (including area codes);

- d) Detail the experience the firm and its staff have in working with school districts and public sector clients; describing how needs specific to the school district/public sector were met and highlighting any experience specific to school districts;
- e) Provide client references, including contact names, addresses and telephone/cell phone numbers, and
- f) Provide any additional information that you feel would distinguish your firm in its service to the District.

**Part 2 – Cost:**

- 1) A total fee for the requested services. This fee should be a flat annual fee/retainer. Additionally, please provide a Standard Fee Schedule for all services provided by the firm. Please list any and all services that would not be included.
- 2) No additional billing will be allowed for parking, participant materials, photocopying, telefaxing, or other incidentals. Additional billing will be allowed for other reasonably incurred expenses such as filing fees, court fees, arbitration fees, and stenographic fees.

**5. BACKGROUND**

The following is a brief description of the Poughkeepsie City School District:

- 1) Student Enrollment: 4,131
- 2) Number of Administrators: 36
- 3) Number of Teachers: 367
- 4) Number of Support Staff: 446
- 5) Number of Schools: 7
- 6) Board Members:
  - a) 5 members
  - b) 3 year terms
- 7) Management:
  - a) Superintendent of Schools
  - b) Assistant Superintendent for Human Resources
  - c) Assistant Superintendent for Finance and Operations
  - d) Assistant Superintendent for Curriculum, Instruction, Data Analysis and Accountability
  - e) Assistant Superintendent for Technology and Innovation
  - f) Assistant Superintendent for Athletics, Physical Education, Health and Wellness and Security

- g) Assistant Superintendent for Family and Student Support Services
- 8) Budget for 2019-2020: \$105,146,021

Please note that all District policies can be viewed on the District website at <http://www.poughkeepsieschools.org>, then click on the Board of Education tab.

## **6. PROPOSAL EVALUATION**

Proposals received will be evaluated by the Board of Education. The evaluation process is designed to award the proposal, not necessarily to the proposer of least cost, but rather to the proposer with the best combination of attributes. The award process may include an interview with the Board, Superintendent, and/or Central Administration.

## **7. PROPOSAL SUBMISSION**

Proposals can be submitted to the District via email, mail or hand-delivery.

When submitting your proposal, please clearly mark your envelope as follows:

**RFP-19-0015 Legal Services**

**District Clerk  
Poughkeepsie City School District  
18 South Perry Street  
Poughkeepsie, NY 12601**

## **8. FREEDOM OF INFORMATION LAW**

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84-90, mandates public access to government records. However, proposals submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the proposer's competitive position or constitute a trade secret. Proposers who have a good faith belief that the information submitted in their proposal is protected from disclosure under the New York Freedom of Information Law must clearly identify the pages of the proposal containing such information by typing in bold face on the top of each page, "**THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW.**" The District assumes no liability for disclosure of information so identified, provided that the District has made a good faith legal determination that the information is not protected under applicable law or where disclosure is required to comply with an order of judgment of a court of competent jurisdiction.

## **9. RIGHT TO REJECT REQUEST FOR PROPOSAL**

The District reserves the right to reject without prejudice any and all proposals received under this Request for Proposal. Any proposal will be utilized on an "as-needed" basis. There is no guarantee that any/all of the services listed will be utilized.

## **10. INDEMNIFICATION**

The successful proposer shall defend, indemnify and save harmless the District, its employees and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the successful proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

## **11. LEGAL CONSTRUCTION**

In case any one or more of the provisions contained in this RFP shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof and this RFP shall be construed as if such invalid, illegal or unenforceable provision has never been contained in the RFP.

## **12. CONTRACT NOT TO BE ASSIGNED**

It is mutually understood and agreed that the law firm shall not assign, transfer, convey, sublet, or otherwise dispose of the contract, of its right, title or interest therein, or its power to execute such contract to any other person, company or corporation.

## **13. INVOICE AND PAYMENTS**

Billing shall be made by monthly invoice to Poughkeepsie City School District, Attention: Board Clerk, 11 College Avenue, Poughkeepsie, New York 12603. Payments shall be made within thirty (30) days of receipt of invoice. All invoices shall contain the following information:

- Name of law firm;
- Detailed description of services performed;
- Date(s) of services performed;
- Name of attorney performing the service; and
- Time spent each day for the service performed, which shall be identified in increments of 0.10 of an hour.

## **14. CONTRACT**

A contract will be executed between the District and the law firm, which will incorporate the terms and conditions of this RFP and other standard contractual terms. **Please attach a copy of the standard contract you use as your retainer agreement for school districts.**