

# **REQUEST FOR PROPOSAL LEGAL SERVICES**

**SAU#44 Northwood, Nottingham & Strafford School Districts**

**Robert Gadomski, EdD, Superintendent**

**Marjorie Whitmore, Business Administrator**

**November 20, 2017**

**REQUEST FOR PROPOSALS  
LEGAL SERVICES**

**NOTICE IS HEREBY GIVEN TO PROSPECTIVE PROPOSERS** that on **January 5, 2018 at 2:00 PM EST** the Superintendent of SAU #44 (Northwood, Nottingham & Strafford School Districts) will open sealed bids for the following:

**LEGAL SERVICES**

Bid documents may be requested by calling 603-942-1290 or on the SAU #44 website [www.sau44.org](http://www.sau44.org).

Questions regarding this bid should be sent in writing and directed to Dr. Robert Gadomski, Superintendent, SAU #44, 23A Mountain Avenue, Northwood, NH 03261 on or before **December 22, 2017**.

All bids must be received by the Business Department on or before **January 5, 2018 at 2:00 PM EST**. No waivers shall be allowed for bids that have not been submitted to the Business Office by the deadline date.

Bidders must submit **ONE (1)** signed original and **three (3)** copies in a sealed envelope clearly marked on the outside **Legal Services Bid** addressed and delivered to:

**Dr. Robert Gadomski,  
Superintendent  
SAU #44 Business Office  
23A Mountain Avenue  
Northwood, NH 03261**

All bids must remain valid for a period of ninety (90) days. Award will be by the Superintendent's recommendation to the SAU #44 Joint School Board to the bidder whose bid is deemed by the Superintendent to be in the best interest of the SAU #44 and Northwood, Nottingham & Strafford School Districts. SAU #44 reserves the right to reject any and all proposals and to waive any irregularities if deemed to be in its best interest. The RFP is not a low-bid price competition. Instead, proposals will be evaluated in accordance with the responsiveness to the requirements set forth in the RFP in the district' sole discretion. Any contract awarded will be based upon best perceived value to the district.

## **INTRODUCTION**

The Superintendent of SAU #44 (Northwood, Nottingham & Strafford School Districts) requests proposals from law firms with experience in advising the School Districts, School Boards, local, state or federal government boards or entities. The Superintendent of Schools seeks to recommend a legal consultant to provide advice to the SAU #44 Joint School Board, as well as the Superintendent of Schools and key School District staff.

The information submitted in your proposal including experience, qualifications, and fee schedule will be reviewed for the purpose of selecting a law firm to provide, as necessary, legal advice and/or representation. Favorable fees will be a factor in the selection process. However, the firm's experience, qualifications, resources, and level of proposed services will be key factors in determining who will be recommended to the SAU #44 Joint School Board to represent SAU #44 and Northwood, Nottingham & Strafford School Districts. All bidders are expected to carefully examine the proposal documents. Any ambiguities or inconsistencies should be brought to the attention of the Superintendent through written communication prior to the opening of the proposals. SAU #44 will not reimburse bidders for any costs associated with the preparing or submitting of any proposal.

## **GENERAL TERMS AND CONDITIONS**

### **I. Contract Period**

- a. The Superintendent of Schools wishes to contract for services for a term of three (3) years, with the potential for an option or options to renew. The law firm recommended by the Superintendent of Schools to the SAU #44 Joint School Board is expected to enter into a formal contract in accordance with this request and the applicable response within a reasonable time after selection. In anticipation of SAU #44 and Northwood, Nottingham & Strafford School Districts providing optional extensions of the original contract, rates for future years should be included in the proposal.

### **II. Disclaimer**

Each respondent is responsible to assure that their proposal will provide the level of service outlined herein. Any deviation from such services must be clearly indicated in the proposal.

### **III. Timetables**

SAU #44 and responding bidders shall adhere to the following schedule in all actions concerning this Request for Proposals (RFP):

- A. The SAU #44 Business Office must receive the proposals by **January 5, 2018 at 2:00 PM EST.**
- B. The Superintendent of Schools shall review and evaluate the proposals in a timely manner.
- C. The Superintendent of Schools shall recommend a law firm to the SAU #44 Joint School Board.
- D. The Superintendent of Schools may enter into a contract with appropriate approvals and after conducting negotiations. The SAU #44 Business Office will notify all unsuccessful proposers.

#### **IV. Selection Process**

Proposals shall be evaluated by the Superintendent of Schools on the basis of the bidder's skills, experience, proposed cost, and completeness of proposal, knowledge and ability to perform required tasks, accessibility to work with the District's administration and School Boards, and professional references. No revisions to the original proposals will be allowed, other than those requested by the Superintendent of Schools for final contractual terms through the selection process.

The Superintendent of Schools may elect to conduct interviews with any or all of the bidders. The final recommendation rests with the Superintendent of Schools as he/she may deem to be in the best interest of SAU #44 and Northwood, Nottingham & Strafford School Districts.

SAU #44 or its designee anticipates entering into a contract with the respondent who submits the proposal judged by the Superintendent of Schools to be most advantageous. SAU #44 and Northwood, Nottingham & Strafford School Districts or its designee anticipates awarding one contract but reserves the right to award more than one if it is in its best interests to do so. The respondent understands that this RFP does not constitute an offer or a contract with SAU #44 and Northwood, Nottingham & Strafford School Districts. A contract shall not be deemed to exist and is not binding until proposals are reviewed, the best proposal has been identified, negotiations with the bidder have been completed, and agreement has been executed by parties and approved by SAU #44 Joint School Board.

In the event the parties are unable to negotiate final terms, the Superintendent of Schools may determine to accept the offer of the second most responsive and responsible bidder. The Superintendent of Schools reserves the right to reject all proposals, to abandon the project or to solicit and re-advertise for other proposals. The Superintendent of Schools may waive any informality and/or irregularity contained in a proposal or in the manner of its submittal and recommend the award of a contract thereafter to the SAU #44 Joint School Board and Northwood, Nottingham & Strafford School Districts.

#### **V. Required Duties**

##### **A. General Scope of Services**

For planning and illustrative purposes for the response to this RFP, the following represent services that will be required on an ongoing basis. This list is in no way inclusive of all tasks that may be required, but is intended to alert the bidder to the areas deemed particularly relevant to the duties of the position with special attention to New Hampshire Law.

- To provide legal opinions and advice to approved representatives of SAU #44 and Northwood, Nottingham & Strafford School Districts
- Investigation, legal research and writing, preparation of pleadings, legal memoranda and brief appearances before administrative boards, trial and appellate courts
- To be available at all reasonable times for authorized telephone and individual conferences with approved school personnel
- To prepare and present as requested in-service programs for administration, staff and the SAU #44 Joint School Board and Northwood, Nottingham & Strafford School Districts

- To prepare for and represent SAU #44 and Northwood, Nottingham & Strafford School Districts in disciplinary proceedings commenced against tenured teachers and administrators
- Representation of SAU #44 and Northwood, Nottingham & Strafford School Districts, as appropriate, with respect to discipline and dismissal of teaching and non-teaching employees, including termination of probationary employees and related grievance and arbitration hearings
- Advice, consultation and opinions with respect to issues relating to the Open Meetings Law and Freedom of Information Law
- To advise and consult with respect to Constitutional questions involving the separation of Church and State, school prayer, use of facilities, libraries, textbooks, performances, and other First Amendment questions
- To advise and consult with regard to student and personnel records
- To attend, as requested, meetings of the SAU #44 Joint School Board and Northwood, Nottingham and Strafford School Districts
- To provide superior legal counsel and representation in all civil matters involving public school law as it relates to SAU #44 and Northwood, Nottingham & Strafford School Districts including:
  - + Student/parent actions
  - + Vendor actions
  - + Real estate acquisitions/disposals, easements, leases and other contracts involving interest in real estate
  - + Public purchase and lease contracts
  - + Personnel and employee relations
  - + Review and interpretation of statutes, rules, etc.
  - + General tort liability
  - + Special Education
  - + Other general school district matters as required
- To interpret the powers and duties of SAU #44 Joint School Board and Northwood, Nottingham & Strafford School Districts in the administration of their statutory and constitutionally authorized responsibilities
- To provide cost effective and efficient legal representation to the SAU #44 Joint School Board and the Northwood, Nottingham & Strafford School Districts
- To perform such other activities as specifically directed by the SAU #44 Joint School Board and Northwood, Nottingham & Strafford School Districts
- To review and recommend attorneys and/or law firms to the SAU #44 Joint School Board and Northwood, Nottingham & Strafford School Districts to perform services outside the scope of duties of the district's law firm

**B. Requirements of Bidder**

- Provide legal services through qualified professionals with recognized credentials in good standing as practicing attorneys in New Hampshire.

- Comprehensive knowledge of school law, public records law, sunshine law and municipal, county, state and federal laws governing the operation of SAU #44 and Northwood, Nottingham & Strafford School Districts
- Knowledge of parliamentary procedure with demonstrated experience in providing advice regarding such to public bodies
- Knowledge of governmental organization, legislative procedures and judicial procedures
- During the term of any awarded contract the attorney or firm shall have a continuing obligation to report any potential conflicts to SAU #44 Joint School Board
- The attorney or firm shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age handicap or marital status. The attorney or firm will take affirmative action to insure those applicants are employed, and that employees are treated fairly during employment without regard to their race, color, religion, sex, national origin, age, handicap or marital status
- The attorney or firm should have sufficient depth of talent and experience in all matters relating to school law
- The attorney or firm must maintain professional liability insurance in an amount and in form sufficient for the SAU #44 Joint School Board and the Northwood, Nottingham & Strafford School Districts
- The attorney or firm must submit a proposal complying with this request for proposals, and the information, documents, and materials submitted in the proposal must be complete and accurate in all material respects

### **C. Scope of Proposal**

Generally, the substance of the proposal may cover any areas that you deem to be relevant to SAU #44 (Northwood, Nottingham & Strafford School Districts). However, the proposal should minimally include the following information:

- The Superintendent of Schools will entertain compensation proposals in any format including lump sum retainer, payment on an hourly basis, lump sum/not to exceed, hourly payment basis with an upset limit, or combination of these and others providing attractive alternatives will also be considered. The compensation proposal must include a description of the firm or attorney's billing practices, rates and methods, including the minimum charges, if any, for telephone calls, file review, copying, facsimile, etc. Alternate compensation proposals are encouraged. It shall be understood that the attorney(s) shall provide general services to the SAU #44 and Northwood, Nottingham & Strafford School Districts, and no additional costs for secretarial services, travel, telephone service, stationary, postage, supplies, library and equipment required to provide a satisfactory level of these general services
- At least five (5) years of legal experience representing school districts
- Summary of related legal and school law experience
- State the size of the firm
- Provide a statement of the firm's local availability and degree of accessibility and availability to SAU #44 Joint School Board, Superintendent of Schools, and other approved District personnel

- Provide names and brief biographical sketches and resumes of attorneys who will be generally responsible for providing related legal services to SAU #44 and Northwood, Nottingham & Strafford School Districts
- Describe the firm's research capabilities
- Describe any actual or potential conflicts of interest that may exist in representing SAU #44 and Northwood, Nottingham & Strafford School Districts
- A list of at list five (5) school district references with names of contacts and telephone numbers
- Describe any disciplinary action, administrative proceeding, malpractice claim or other like proceeding against your firm or any of its lawyers, whether current or pending, as well as any such action, proceeding or claim occurring during the past five (5) years
- Evidence of experience or knowledge of personnel, regular education, and special education law
- Evidence or experience of litigation before the New Hampshire Department of Education
- Evidence of a working knowledge of all applicable Federal Laws
- List of bar association to which the firm's attorneys are admitted
- A sample written opinion in the area of education
- Submit any additional information that you believe would be pertinent to the Superintendent of Schools in the recommendation of your firm as the SAU #44 and Northwood, Nottingham & Strafford School District's legal consultant.

## **VI. Proposal Acceptance Period**

Proposals will be received at the SAU #44 Business Office, 23A Mountain Avenue, Northwood, NH 03261 until **2:00 PM EST on January 5, 2018 at 2:00 PM**. No exceptions will be made to this deadline.

Envelopes must be sealed and clearly marked on the outside "Bid Legal Services". Proposals will not be accepted via facsimile. All bids must be signed by an authorized agent of the named firm. Proposals will be opened on **January 5, 2018 at 2:00 PM EST** with the Superintendent of Schools making a recommendation to the SAU #44 Joint School Board in January 2018.