

July 22, 2019

PROPOSAL: Request for Proposal (RFP) for Special Counsel Legal Services

OPEN: July 22, 2019

TIME: 4 PM

NOTICE IS HEREBY GIVEN that the Solano County Office of Education (SCOE) will receive up to and not later than 4 PM local time on Tuesday, September 3, 2019, sealed proposals for the following scope of work:

Special Counsel Legal Services

Such proposals shall be received at SCOE, 5100 Business Center Drive, Fairfield, CA 94534. Envelopes containing proposals shall be sealed and clearly marked **“RFP Solano County Board of Education Special Counsel Legal Services.”**

Each proposal must conform and be fully responsive to this invitation and all other documents comprising the pertinent contract documents, submitted on the printed forms provided by the Solano County Board of Education, and sealed in an envelope.

No oral, electronic, facsimile, or telephonic proposals or modifications will be considered. Proposals received after the scheduled submittal deadline will be returned unopened. Proposals must bear original signatures and figures.

The RFP may be obtained by visiting our website at <https://www.solanocoe.net/county-board> or contacting Laryn Bishop at lbishop@solanocoe.net and Nikki Pacheco at npacheco@solanocoe.net (707) 399-4455.

Award of a contract or contracts will be made to the firm(s) offering the most advantageous proposal in the applicable area(s) of specialization. SCOE is not obligated to make an award and is not obligated to accept the lowest priced proposal, but will make any award in the best interest of the Solano County Superintendent of Schools and the Solano County Board of Education after all factors have been evaluated.

The Solano County Superintendent of Schools and the Solano County Board of Education reserve the right to accept or reject any or all proposals, alternate proposals, or unit price, in whole or in part, or waive any formalities, technical defect, clerical error, or irregularity in any proposal received, and to be the sole judge of the responsibility of any Proposer and of the suitability of the services offered.

**SCHEDULE OF EVENTS FOR
RFP FOR SPECIAL COUNSEL LEGAL SERVICES
FOR THE SOLANO COUNTY BOARD OF EDUCATION**

Release of Request for Proposal (RFP)	July 22, 2019
Deadline for Questions and Inquiries	August 9, 2019 4 PM
Deadline for Submission of Sealed Proposals	September 3, 2019 4 PM
Proposal Opening & Review	September 6 - 13, 2019 4 PM
Interview of Finalists (The selection committee may request a meeting with some qualified Proposers prior to final selection)	mid-September to mid-October, 2019
Anticipated Panel Recommendation to Board of Education	November 13, 2019
Contract Start Date	January 1, 2020

Note: All dates subsequent to receipt of proposals are estimated and subject to change without notice.

REQUEST FOR PROPOSALS TO PROVIDE SPECIAL COUNSEL LEGAL SERVICES FOR THE SOLANO COUNTY BOARD OF EDUCATION

INTRODUCTION

The Solano County Superintendent of Schools and the Solano County Board of Education are inviting interested legal firms to demonstrate their ability to provide professional legal support for the Solano County Board of Education in the areas of charter schools, expulsions, interdistrict agreements, public entity litigation, property, administrative regulations, eminent domain, election issues, County Committee on School District Organization and reorganization issues, media relations, retention of electronic records (including email & text messages), and other legal services as required. The Solano County Superintendent of Schools and the Solano County Board of Education will be selecting multiple firms to supply the above based on specific identified needs, the firms' areas of expertise, experience, responses to the Scope of Services section of this RFP, and a possible interview process.

BACKGROUND

Solano County is situated midway between San Francisco and Sacramento. The Solano County Office of Education (SCOE) is a partner to the County's 6 school districts providing services and oversight that assist them in serving approximately 64,000 students. SCOE does not have or create policies directing district behavior. Each district sets its own policies. Here are some of the key programs SCOE offers:

- Service and support to help districts meet legal mandates, operate cost-effectively, and raise student achievement
- Fiscal oversight to districts
- District technical assistance
- Credential auditing for school districts
- Educational services to students in the Juvenile Court and Community School programs
- Contracted services to districts for alternative education students
- Contracted College and Career Readiness services that help districts prepare their students for college and career
- Contracted Workforce Development programs and services for students with disabilities
- Contracted Professional Development for teachers and administrators
- Through the Solano SELPA, operate contracted programs and services for special education students with mild to moderate disabilities

We serve a very diverse student population countywide. Based on data reported to the California Department of Education, Hispanic students comprise approximately 39% of our student population, 25% are White, 14% are African American/Black, 9% are Filipino, 7% are two or more races, and 4% are Asian.

The Solano County Board of Education is comprised of seven elected representatives from trustee areas. The Solano County Superintendent of Schools serves as the ex-officio secretary to the County Board. The Solano County Board of Education serves as the governance body for the Juvenile Court and Community School System and is a charter school authorizer. The Solano County Board of Education also serves as an appellate body for expulsion, interdistrict attendance, and charter school appeals. In addition, the Solano County Board of Education serves as the County Committee for School District Organization.

The interaction between the Solano County Superintendent of Schools and the Solano County Board of Education is entirely distinct from the relationship of a school district governing board and its employed superintendent.

PROPOSAL GUIDELINES/FORMAT

SECTION I

AREAS OF EXPERTISE

Include the completed questionnaire below showing the areas of expertise for your firm.

Please place a check mark next to your areas of expertise for special counsel legal services for which you would like to contract.

Provide narratives to supplement your areas of expertise in Section II.

1. PRIMARY SERVICES

Charter Schools

Provides the Solano County Board of Education with legal advice and analysis of charter school petitions and provides consultation on charter school issues.

Expulsions

Provides guidance, advice, and answers to questions on matters related to expulsion appeals.

Interdistrict Transfers

Provides guidance, advice, and answers questions on matters related to interdistrict transfers.

Real Estate

Drafts, reviews, and negotiates selected contracts for real estate.

Conflict of Interest

Assists the Solano County Board of Education in maintaining awareness of ethical standards and fairness and in avoiding potential conflicts of interest or the appearance of such conflicts.

Brown Act

Advises the Solano County Board of Education regarding the open meeting requirements of the Ralph M. Brown Act and its implications for the Solano County Board of Education, all legally constituted committees, subcommittees, and related bodies.

Administrative Procedures

Counsels the Solano County Board of Education on issues relating to the Solano County Board of Education's policies.

2. LITIGATION SERVICES

- As needed, initiates and prosecutes litigation and defends the Solano County Board of Education in litigation in State and federal courts, including all related phases such as preparation of complaints and other pleadings, law and motion, discovery, witness preparation, trial, and appeal.
- Represents Solano County Board of Education in dispute resolution, including arbitration and mediation.
- Provides other litigation related services as may be required.

3. OTHER SERVICES

- Attends, upon request, meetings of the Solano County Board of Education, Board committees or subcommittees, or groups convened by the Solano County Superintendent of Schools or designee.
- Advises on requests for information related to the Solano County Board of Education under the California Public Records Act and/or the Freedom of Information Act.
- Analyzes and makes recommendations regarding the effect, application, and enforcement of contract language.

SECTION II

FIRM BACKGROUND AND INFORMATION

1. Provide firm's background and experience in providing work of a similar nature, including the number of clients in California, number and name of clients in Solano County, number of years in educational services, number of attorneys in firm, number of attorneys in firm in Solano County, organizational chart and matrix, and all other factors that indicate the firm's commitment to perform efficiently and effectively. Please limit this section to four pages.
2. For all of the areas checked in Section 1 above, provide narratives to supplement your areas of expertise. Please limit this section to eight pages.
3. Provide resumes for the primary and secondary personnel who will be responsible for providing the services detailed in this RFP and who would be assigned to this account.

SECTION III

REFERENCES

Provide a minimum of three references for a scope of work of similar nature. References must be public school districts and/or County Boards of Education, County Offices of Education of similar size. Include complete contact information.

**SECTION IV
SERVICES AND BILLING**

Please address all of the following:

1. Please provide your hourly rates for all levels of service under the attorney category listed below. **State whether there are additional charges for travel time, expenses or other costs (e.g. copies and Faxes).** You may propose two options for hourly rates, one inclusive of all costs.

Attorney Category	Hourly Rate	Hourly Rate (inclusive of all costs)
Senior Partners		
Partners		
Senior Associates		
Associates		
Of Counsel		
Paralegals/Law Clerks		
Special Projects		
Other Personnel		
Other Personnel		
Other Personnel		

2. State the location of your primary offices and any offices located in Solano County, the approximate distances (in miles) from your offices to SCOE and approximate time needed for commute.
3. Specify costs for other services in the table below if they are not included in an hourly proposal above. Proposers are encouraged to offer cost reduction suggestions (for example, a set number of no cost phone calls). Support service costs and expenses inherent to the County Office of Education will be reimbursed at cost; justifications, approvals and receipts must be provided upon requesting reimbursement for out-of-pocket expenses.

Supportive Service	Cost
Word Processing	
Copying Costs	
Express Postage	
Fax Transmittals	
Voice Mail	
Other services (Please specify: _____)	
Other services (Please specify: _____)	
Other services (Please specify: _____)	

4. Timeliness of service provided by your firm shall be an important factor for evaluation in this proposal, and it will also serve as an important basis for evaluating contract performance in the future. Explain what contingency measures you will take if timeliness of service does not meet the Solano County Superintendent of Schools and the Solano County Board of Education’s expectations.

5. Describe your plan to keep the Solano County Superintendent of Schools and the Solano County Board of Education informed on latest developments, news, information, legislation, rules, regulations, etc. that will affect SCOE and the Solano County Board of Education's well-being.

SECTION V EVALUATION PROCEDURE AND CRITERIA

The Solano County Superintendent of Schools and the Solano County Board of Education's Ad Hoc Committee on Special/Outside Legal Counsel will review proposals and make recommendations to the Solano County Board of Education for final approval. The Solano County Superintendent of Schools and the Ad Hoc Committee may request a meeting with some qualified Proposers prior to final selection. Proposals will be reviewed in accordance with the following:

- Expertise and experience with public school districts, County Offices of Education and County Boards of Education, key personnel, and costs.
- Qualifications and experience of primary and secondary personnel who will be providing the services.
- Past performance on similar assignments.
- Geographic location and accessibility.

SECTION VI OTHER FACTORS TO BE CONSIDERED

Describe any existing or potential conflicts of interest, including but not limited to, those arising from your involvement, advocacy, relationships with or representation of other parties that should be considered as a factor in determining your objectivity, and provide sufficient facts, legal implications, and possible effects in order for the Solano County Superintendent of Schools and the Solano County Board of Education to appreciate the significance of each potential conflict.

As previously noted, the interaction between the Solano County Superintendent of Schools and the Solano County Board of Education is entirely distinct from the relationship of a school district governing board and its employed superintendent. Describe your knowledge, expertise, and experience with this form of shared governance.

NOTICE TO PROPOSERS REGARDING PUBLIC RECORDS ACT

Responses to the RFP will become the exclusive property of the Solano County Superintendent of Schools and the Solano County Board of Education. At the time a Special Counsel firm is selected and the decision is made public, all documents shall be considered public records. To the extent permitted by law, exceptions to this policy will be those elements in each proposal that are defined by your firm as business or trade secrets and marked "PROPRIETARY", "TRADE SECRET" or "CONFIDENTIAL". The Solano County Superintendent of Schools and the Solano County Board of Education shall not be held responsible for the disclosure of any business or trade secrets that are not clearly identified or that it is bound by law to make public.

PROHIBITED ACTIVITY

Responding individuals/firms or their agents are prohibited from making any personal contacts with any member of SCOE’s board of trustees, Solano County Superintendent, or Ad Hoc Committee members prior to selection and award of a contract for this work.

**SECTION VII
FORMS TO BE COMPLETED AND RETURNED**

PROPOSAL FORM

The firm’s response to the RFP is attached and identified as the official response to this RFP for Special Counsel Legal Services.

The Solano County Superintendent of Schools and the Solano County Board of Education reserve the right to reject any and all proposals and/or waive any irregularities or informalities in the RFP process.

Company Name: _____

Address: _____

Signature: _____ Date: _____

Print Name: _____

Title: _____

Phone: _____

Fax: _____

Email: _____

**RECEIPT OF REQUEST FOR PROPOSAL (RFP) AND ADDENDA
(TO BE EXECUTED AND RETURNED)**

Upon return of the completed RFP for Special Counsel Legal Services, the Proposer shall acknowledge receipt of the RFP, all supporting documents, and all addenda. It is the Proposer’s responsibility to check the Solano County Office of Education’s website at <https://www.solanocoe.net/county-board> for addenda. Failure to acknowledge all issued documentation may be grounds for deeming the Proposer non-responsive.

Please list each document received and initial where indicated.

Document Name		Initial
1	RFP dated July 22, 2019	
2	Addendum 1 (if applicable)	
3	Addendum 2 (if applicable)	

I, the undersigned, on behalf of the (Proposer) certify that I have received all documents listed above.

Signature

Date

Title

GENERAL TERMS AND CONDITIONS

**Note: This is not a contract*

ALTERATION OR VARIATION OF TERMS

It is mutually understood and agreed that no alteration or variation of the terms of this proposal shall be valid unless made or confirmed in writing and signed by the parties hereto, and that no oral understanding or agreements not incorporated herein, and no alterations or variations of the terms hereof unless made or confirmed in writing between the parties hereto shall be binding on any of the parties hereto.

ASSIGNABILITY

The successful Proposer shall not assign or subcontract the work, or any part thereof, without the previous written consent of the Solano County Superintendent of Schools and the Solano County Board of Education.

COMPLIANCE WITH STATUTE

The Proposer warrants that all applicable Federal and State statutes and regulations and/or local ordinances will be complied with in connection with the delivery of the services offered.

TERM

The initial term of the work shall be for 1 year (January 1, 2020 through December 31, 2020) and is subject to review yearly.

STAFFING BY SELECTED PROPOSER

The selected Proposer shall assign qualified professional staff with appropriate licenses, credentials, permits, knowledge, skills, and disciplines to complete the work covered under this RFP. The Solano County Superintendent of Schools and the Solano County Board of Education may evaluate the qualifications and availability of key persons to be assigned under this proposal to serve the Solano County Superintendent of Schools and the Solano County Board of Education on a yearly basis.

DISPOSITION OF PROPOSALS

All materials submitted in response to this RFP will become the property of the Solano County Office of Education (SCOE) and will be returned only at the Solano County Superintendent of Schools and the Solano County Board of Education's option and at the Proposer's expense. With the exception of confidential financial data, the original response shall be retained for official files and will become a public record after the date and time for final quote submission as specified.

ERASURES

The proposal submitted must not contain any erasures, interlineations, or other corrections.

ERRORS AND OMISSIONS

If a Proposer discovers any ambiguity, conflict, discrepancy, omissions, or other error in the RFP, the Proposer shall immediately notify the Solano County Superintendent of Schools and the Solano County Board of Education of such error in writing and request clarification or modification of the document. Clarifications or modifications will be made by addenda. Such clarification or modification shall be given by written notice to all parties who have been furnished an RFP for

quoting purposes, without divulging the source of the request for same. Insofar as practicable, the Solano County Superintendent of Schools and the Solano County Board of Education will give such notices to other interested parties, but the Solano County Superintendent of Schools and the Solano County Board of Education shall not be responsible therefore.

The Proposer should carefully examine the entire RFP and any addenda thereto and all related materials and data referenced in the RFP or otherwise available and should become fully aware of the nature and location of the work, the quantities of the work, and the conditions to be encountered in performing the work.

INDEPENDENT CONTRACTOR

While performing services for SCOE, the selected Proposer shall be an independent contractor and not an officer, agent, or employee of SCOE.

INSURANCE REQUIREMENTS

Proposer must purchase and at all times maintain liability insurance equal to its indemnity obligations, specifically including (1) broad form commercial general liability coverage including advertising and persona; injury coverages, (2) personal/commercial automobile liability insurance (including, as appropriate, owned, hired, and borrowed auto coverages), and (3) professional liability/errors and omissions insurance that specifically extends coverage for wrongful acts arising from Proposer's providing of Professional Services. The limit of liability for such coverage shall be no less than \$ 1 million per occurrence for all coverages other than the professional liability/errors and omissions coverage, which shall be no less than \$2 million per Claim. No deductible or self-insured retention shall exceed \$50,000 absent written authorization from SCOE approving a higher deductible/self-insured retention, which must be physically attached to Contract, and which is based on a determination that Proposer can financially meet such deductible/retention obligations in the case of a claim. Proposer shall provide proof of the existence of such coverages.

MODIFICATIONS

Changes in or additions to the Proposal Form, alternative proposals, or any other modifications of the Proposal Form which is not specifically called for in the RFP may result in the rejection of the proposal as not being responsive to the RFP. No oral or telephonic modification of any proposal submitted will be considered.

PREPARATION OF PROPOSAL

Solano County Superintendent of Schools and the Solano County Board of Education are requesting ONE (1) Original, EIGHT (8) hard copies of the proposal submitted. All hard copy proposals submitted must be in sealed envelopes/boxes bearing on the outside the name of the Proposer, the address, and the name of the project for which the proposal is submitted. It is the sole responsibility of the Proposer to see that the proposal is received in proper time. Any proposal received after the scheduled closing time for receipt of proposals will be returned to the Proposer unopened.

RIGHTS AND OPTIONS

The Solano County Superintendent of Schools and the Solano County Board of Education have the right to postpone selection for its own convenience, to withdraw this RFP at any time, and to reject any and all proposals without indicating any reason for rejection; or to negotiate with any, all, or none of the respondents to the RFP. A successful Proposer(s) will be required to enter into

an agreement with SCOE prior to any work being performed. No compensation shall be paid for any work related to preparation of any proposals.

PROPOSER AGREEMENT

In compliance with this RFP, the selected Proposer will propose and agree to furnish all labor, materials, transportation, and services for the work described and specifications and for the items listed herein.

QUALIFICATIONS

All companies may be required to furnish evidence of their professional ability, experience, and financial responsibility. No proposal will be accepted from, or a contract awarded to, any Proposer or firm in arrears to SCOE.

QUESTIONS REGARDING THE RFP

Questions regarding this RFP should be set forth in writing and sent via e-mail to lbishop@solanocoe.net and npacheco@solanocoe.net no later than 4 PM on Friday, August 9, 2019. No other person is authorized to receive questions relating to this RFP, and the Solano County Superintendent of Schools and the Solano County Board of Education shall have no obligation to respond to questions sent to any other person or entity. In their discretion, the Solano County Superintendent of Schools and the Solano County Board of Education may disregard the response of any firm that, in connection with this RFP, contacts any other representative of Solano County Superintendent of Schools and the Solano County Board of Education including, without limitation, any member of the County Board of Education, any SCOE officers or personnel.

SIGNING OF IDENTIFICATION SHEET

The signature of all persons signing shall be in longhand and executed by the principal duly authorized to make contracts. The Proposer's legal name shall be fully stated. Obligations assumed by such signature must be fulfilled.

SELECTION PROCESS

Written responses may be evaluated and screened down to between one and five in each or all areas of expertise. Finalists may be required to meet with Solano County Superintendent of Schools and the Solano County Board of Education for an interview.

SERVICES

This document is intended to establish a high quality, cost-effective, and ethical provision of legal services for the Solano County Superintendent of Schools and the Solano County Board of Education. Legal advice will typically be solicited by written or telephone request and may require written responses. Meetings will be held as necessary to update Solano County Superintendent of Schools and the Solano County Board of Education on pending matters.

SUBMISSION FORMAT & REQUIREMENTS

Proposals shall be submitted to Laryn Bishop, Chief Assistant to the Solano County Superintendent of Schools and Nikki Pacheco, Secretary, 5100 Business Center Drive, Fairfield, CA 94534 on or before 4 PM on Tuesday, September 3, 2019. In advance of proposal submissions, questions may be submitted to Laryn Bishop via email lbishop@solanocoe.net and Nikki Pacheco via email npacheco@solanocoe.net no later than Friday, August 9, 2019, at 4 PM. SCOE will post any addenda to this RFP on our website at <https://www.solanocoe.net/county-board>.

Firms are responsible for checking this page for additional information prior to submitting proposals.

The submission requirements for this RFP are detailed above. Review this RFP carefully before responding to ensure that you fully understand all procedural and contractual requirements.

WITHDRAWAL OF PROPOSALS

Proposers may withdraw their proposal either personally, by written request, or by telephonic request at any time prior to the scheduled closing time for receipt of proposals.