

**Request for Proposal
Pender County Schools Legal Services**

Pender County Schools invites applications from interested school board attorneys to provide legal services as per the following:

Purpose of the RFP

The request for proposal is for the purpose of selecting Pender County Schools legal counsel. Pender County Schools is seeking legal counsel for three years commencing March 1, 2024.

Sealed proposals for Pender County Schools legal counsel are requested by Pender County Schools. All proposals should be submitted to Dr. Brad Breedlove, Superintendent, Pender County Schools, on or before 4pm on November 28, 2023.

Brief Description of the Pender County Schools:

Enrollment: 10150 of students Pre-K – 13

Over 1000 employees

Schools: 19 school sites, 4 additional facility structures which include the Central Office Building, Maintenance, Transportation Departments and Herring Resource Center

- C.F. Pope Elementary School
- Burgaw Middle School
- Cape Fear Elementary
- Cape Fear Middle School
- Heide Trask High School
- North Topsail Elementary School
- Malpass Corner Elementary School
- Pender High School
- Pender Early College High School
- Penderlea School
- Pender Innovative Learning Academy
- Rocky Point Elementary School
- Topsail High School
- Topsail Elementary School
- Topsail Middle School
- South Topsail Elementary School
- West Pender Middle School
- Surf City Elementary
- Surf City Middle School
- Pre K Sites

Pender County Board of Education:

- Ken Smith-Chairman
- Don Hall-Vice-Chairman
- Beth Burns
- Brent Springer
- Phil Cordeiro

Management:

Budget: The continuing budget resolution from 2022-2023 school year of \$125,000,000.00.

Educational programs begin in preschool and prepare students for post-secondary education, college preparation and movement into the world of work upon graduation.

Nothing herein is intended to exclude any responsible firm or in any way restrain or restrict competition. All responsible firms are encouraged to submit proposals.

Pender County Schools reserves the right to accept or reject any and all proposals submitted in the best interest of Pender County Schools, and the Board further reserves the right to waive any defect or informality in any proposal should it be in the best interest of Pender County Schools.

Pender County Schools intends to enter into a contract with the successful Proposer incorporating all provisions of the Request for Proposal. By submitting a Proposal, the Proposer is agreeing to enter into such a contract if they are awarded the work.

Pender County Schools reserves the right to exercise renewal thereafter. Pender County Schools has the right to terminate any contract executed pursuant to this Request for Proposals with a thirty (30) day written notice.

Request for Proposal (RFP) - Legal Services for Pender County Schools (PCS)

The information contained in this RFP for legal services is provided in fourteen sections:

1. Submission of Proposals
2. Scope of Educational Law Services
3. Counsel Services to be Provided
4. Proposal Structure
5. Fee Structure and Invoicing
6. Professional Credentials
7. Methodology to Provide Counsel
8. Request for References
9. Insurance
10. Evaluation of Proposals
11. General Requirements
12. Staffing
13. Term and Renewal
14. Final Criteria Evaluation

1. Submission of Proposals

Ten (10) copies of all completed Legal Services proposals **MUST** be returned to Dr. Brad Breedlove, Superintendent, Pender County Schools, 925 Penderlea Highway, Burgaw, NC 28425 by November 28, 2023, 4:00 PM. Proposal packages should be clearly labeled "PCS RFP Legal Services Proposal". Pender County Schools requests that each proposal include the following: a summary page listing all rates, fees and charges per account or service. Please reference Section #11, Proposal of Costs/Fees by Category for guidance on how to structure your fee submission presentation.

Pender County Schools is requesting RFP submissions to be provided for the following legal service sections: vendor contact review, bond forfeiture counsel and general education law, special education, and employment law.

A firm may respond to all items in this RFP.

Pender County Schools reserves the right to award services in total to one law firm or to award individual services to separate law firms based on the proposal or proposals that best meet Pender County School's needs.

All RFPs submitted **up to the deadline date** will be reviewed by the Pender County Board of Education. Proposals received after the 4:00 p.m. deadline will not be considered. Each RFP will be evaluated based on the standards provided in the Evaluation Criteria section of the RFP. Items that will be considered are **Credentials, Experience, Methodologies, References and Fee Schedules.**

If you have any questions regarding this RFP, please contact Dr. Brad Breedlove, Superintendent, Pender County Schools, 910-259-2187

2. Scope of Educational Law Services

Pender County Schools is seeking legal services from a lawyer or law firm(s) that will take all necessary steps to provide Pender County Schools with excellent legal advice, representation and defense while remaining sensitive to the issue of cost. The educational areas that services requested include, but are not limited to, the following:

- Board of Education Representation
- Human Resources and Support Services
- Curriculum and Instruction
- Finance and Support Services
- Technology Special
- Special Education
- Auxiliary Services

Description of Services

The selected attorney(s) will provide legal services including, but not limited to, the following:

Services to be included in **each** of the service areas:

- Legal counsel and advice to the Board and Administration
- Timely advice and counsel on emergent matters. Counsel is expected to respond, at least verbally to be followed in writing, within a maximum of twenty-four (24) hours when an inquiry is made by the Board or the Administration
- Written legal opinions upon request
- Initiate and/or defend lawsuits as necessary and at the direction of the Board
- Prepare all necessary legal documents
- Attend all regular meetings for the Board, and attend its meetings with committees or third parties upon request

- Work cooperatively with legal counsels or insurance companies, consortiums, or other entities with whom the Board may be affiliated
- Represent Pender County Schools in all judicial and/or administrative proceedings within the specific service area in which Pender County Schools or any of its board members, administrators, or agents may be a party or have an interest
- Provide written, timely notification to the Board of changes in school law or state regulations including court and administrative decisions that might impact upon the operation of Pender County Schools
- Conduct in-service programs on specified legal issues for appropriate staff members upon request
- Advise on matters relating to student discipline, suspensions, and appeal hearings
- Advise on matters pertaining to custody orders relative to student enrollment
- Fulfill other legal duties as are commonly accepted and assigned

General Counsel Services to be provided:

- Review and advise for legal notices, resolutions, board policies, and matters of Pender County Schools governance
- Review and advise in matters of procurement and service contracts, bid specifications, bidding matters, contract preparation and execution, and remedies of contract disputes
- Provide advice and counsel on all matters related to regular students including discipline, attendance, adherence to rules and regulations, etc.
- Represent the Board in matters involving interface with the municipal governing body including planning and adjustment boards, financial matters, jurisdictional matters, etc. and with state agencies such as the EDA, DOE, EPA as needed
- Provide assurance statements as required for financial audits, bonding matters, and grant compliance.

3. Counsel Services to be provided (but not limited to):

- **School Board.** Review recent and pending changes in Federal and North Carolina State laws, and update the district's school board policies including the State Board of Education regulations and the Open Meeting Law. Review Board of Education agendas and obligations of the Board of Education meetings, when requested. Respond to other legal responsibilities and obligations of the Board of Education and/or Pender County Schools such as real estate acquisitions, contract reviews and litigation issues. Contact with the Board of Education would be with the Board Chairman. Review and advise for legal notices, resolutions, board policies and matters of direct governance. Provide legal research and advice pertaining to specific educational law issues that may arise in regard to Pender County Schools policies, procedures, Board of Education actions, educational programs, student and personnel issues.
- **Superintendent's Office.** Complete research on selected policy issues, administrative regulations, and student/faculty personnel activities. Assist in policy drafting and regular policy update recommendations. Prepare legal opinions on education- related legal questions at the request of the Superintendent. Monitor and review changes in public school law. Advise the Superintendent of legislative changes and resulting necessary administrative actions. Advise Superintendent regarding the interface with the municipal, local and state governing bodies and agencies. Prepare Pender County Schools cases for Superintendent's Hearing to present to the

Hearing Officer for determination, including draft of charges, witness interviews and collection of exhibits.

- **Human Resource and Support Services.** Investigate and prepare reports, recommendations and charges concerning employee misconduct and EEO matters, Employment Retirement Systems, Teacher Retirement System, certification tenure, and civil service issues. Review and provide recommendations concerning selected Board policies. Provide training on topics such as sexual harassment, Americans with Disabilities Act, and Family Medical Leave Act and race and discrimination as requested. Serve as a consultant and representative for improper employee practices. Consult with Pender County Schools staff concerning tax issues as they pertain to compensation related matters in the context of labor negotiations.
- **Curriculum and Instruction.** Review various legalities from schools such as freedom of information requests and first amendment religion issues, intellectual property issues, such as sale of teacher designed instructional activities, textbook approval clarification and challenges to curricular or library materials, student rights, student issues related to state law. Prepare and present, as requested, programs for staff on pertinent problems in school law. Provide advice on matters related to regular students including discipline, attendance, adherence to rules and regulations, etc. Specialized legal services on instructional program issues as become necessary.
- **Finance and Support Services.** Review and advise in matters of procurement and services of contracts, bid specifications, bidding matters, remedies of contract disputes. Intervene on Pender County Schools behalf in property value procedures, property assessment challenges before county assessors. Provide general counsel on finance items, leases, construction contracts, sale of Pender County Schools property, finance compliance issues, liability issues, bank bond issues, liability issues prior to involvement of the insurance company's counsel and general board policy questions. Provide assurance statements as required by financial audits, bonding matters, and grant compliance. Intervene on behalf of Pender County Schools on contractual issues such as arbitration, court representation on financial or contractual items.
- **Information Technology.** Provide periodic updates regarding administrative practice and Board of Education policy including acceptable use, FCC and State Board of Accounts, review of important court decisions and other pertinent opinions regarding federal and state regulations. Conduct specific research on proprietary system usage, copyright laws, and other detailed questions as they may arise that are applicable to this changing environment.
- **Special Education Counsel Services.** Review special education issues upon request and provide guidance to Board and Administration. Represent Pender County Schools in mediation upon request. Represent Pender County Schools at all stages of due process beyond mediation including administrative law, commissioner, state board and court proceedings. Serve as Pender County Schools liaison to the legal representatives/advocates of parents. Review special education contracts upon request.
- **Auxiliary Services.** Review and advise on matters relating to student, discipline, suspension, appeal hearings, and Code of Student Conduct. Interpret and consult with staff pertaining to custody orders and other legal documents relating to student enrollment. Review and advise on contracts and/or request for proposals relating to securing services and/or equipment. Review policy updates and revisions.

4. Proposal Structure

Pender County Schools will entertain proposals that service the above needs. Pender County Schools is providing respondents the flexibility to forward a proposal regarding their specific area of expertise to provide a general all-encompassing response to this RFP. Proposal structure should include A) and/or B):

- A. Contractual agreement for the completion of all Pender County Schools legal needs.
- B. Contractual agreement for completing Pender County Schools legal work in any area of legal expertise.

5. Fee Structure and Invoicing

- A. All services are to be invoiced monthly and must include a detailed description of the matter invoiced, service provided, the date the service was provided, the time expended, the hourly rate, the charges, and reimbursable expenses.
- B. Fee Structure - Legal Services - We are requesting a retainer fee rate based on a set number of billable hours. The fee schedule below would be after the maximum retainer fee has been used.

Please provide the hourly rate for services in each of the following categories:

General Counsel:	_____
Special Education:	_____
Personnel:	_____
Construction:	_____
Court Time:	_____
Board Meetings:	_____
Travel Time:	_____
Bond Forfeiture:	_____
Other (Specify):	_____

Please provide the hourly rate for the services of the following personnel:

Paralegals:	_____
Associates:	_____

Any additional fees/costs proposed by your firm.

- C. The Board shall not pay an hourly rate for the services of secretarial or other administrative staff. Administrative support is considered part of the outside counsel's overhead and is built into its rate structure. Such administrative support includes the services of word processors, librarians, and any information technology professionals. While it may be appropriate to pay an hourly billing rate for the

services of a paralegal, purely clerical or secretarial tasks (i.e. taking telephone messages, faxing, setting up case files) should not be billed at a paralegal or attorney rate, regardless of who performs them.

6. Professional Credentials and Experience

All proposals must include the following information in the order requested:

- A.** Please submit a brief description and history of your law firm including date established, number of employees and specialty services provided.
- B.** Please list the members of your firm who will be assigned to Pender County Schools along with their professional credentials and resumes.

Minimum Qualifications: The firm shall have one or more licensed professionals on staff whose major focus has been and will remain for the duration of any contract executed pursuant to this request for proposals providing professional services to and advising public entities. The firm shall have at least five (5) years' experience in representing public entities. The firm shall designate one or two lawyers within the firm, who will be assigned to represent the interest of Pender County Schools. This individual shall be licensed to practice law in North Carolina throughout the term of the contract and shall remain in good standing with the North Carolina State Supreme Court. The firm and all individuals assigned to work with Pender County Schools shall be well versed in all aspects of school law.

- C.** Please list your firm's professional memberships in North Carolina and National Law associations.
- D.** Please list the professional law journals to which your firm subscribes that relate to North Carolina State Public Education and related topics.
- E.** Please list School Law workshops and seminars that members of your firm have attended and/or presented at in the past three years.
- F.** Please list the courts that members of your firm are admitted to practice.
- G.** Please include assurances that your firm and any individual attorney assigned to represent the Board have not been subject to discipline by the North Carolina Bar Association or any other Bar Association
- H.** Please describe your firm's experience in the following legal areas:
 - 1. Federal and State Civil Rights Laws
 - 2. Federal law affecting public schools
 - 3. School Transportation Laws in North Carolina
 - 4. North Carolina contract, real estate, public officers, finance, general municipal law
 - 5. Regulations and Decisions of the North Carolina Board of Education
 - 6. Tort Liability of School Districts and Officials

7. Discipline of Classified and Certified Employees
8. Tax issues pertaining to wages and benefits

7. Methodology to Provide Counsel

- A. What provisions will your firm make to keep the Pender County Board of Education, the Superintendent, and other administrators informed of changes and decisions in state, local, or federal laws, rules and regulations that affect the operation of schools?
- B. What provisions does your firm have to provide for attendance, as needed, at the Pender County Board of Education meetings?
- C. What provisions does your firm have to provide telephone and individual conferences with the Superintendent and designated staff?
- D. What provisions does your firm have for preparation of legal opinions of school district related legal questions at the request of the Pender County Board of Education, the Superintendent, or designated staff?
- E. How does your firm address the timeliness of responses to requests to prepare legal opinions?
- F. What provisions does your firm have to provide representation of the school district in litigation, arbitration, and administrative or legal proceedings?

8. Request for References

Please provide a listing of school districts, municipalities or other public entities your firm has represented, including dates of service. Also provide the names, business addresses, and telephone numbers of the Board of Education Chairman, Superintendent of Schools, and other persons connected with such districts or municipalities familiar with your work.

9. Insurance

The successful firm(s) must provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from the Request for Proposal:

Professional Liability

Malpractice - minimum of \$1,000,000 coverage
\$1,000,000 Errors and Omissions per occurrence.

Prior to commence work under contract, the successful firm(s) shall furnish Pender County Schools with certificates of insurance as evidenced that the insurance required herein has been procured. Firms must give Pender County Schools sixty (60) days advance notice of cancellation, non-renewal, or any change in insurance coverage, including changes in the amount of the coverage.

Subcontractors

No sub-contractors are permissible; a partner, lawyer, or other legal representative from the awardees firm must perform any or all work.

10. Evaluation of Proposals

All responsive proposals meeting the eligibility requirements defined herein shall be evaluated by the Pender County Board of Education.

The selection will be based on the following:

- Responsiveness of the proposed in clearly stating an understanding of the work to be performed
- Demonstrated capabilities to perform the required services past record and experience

The Pender County Board of Education will evaluate proposals by measuring the applicant's capabilities in the following areas:

- School Board liability
- Civil Rights issues
- Employee rights
- EEOC matters
- Students' rights
- Employee discipline and discharge
- Contract administration
- Vendor reviews
- Recent pending changes in federal and North Carolina state laws, Board of Education regulation and the Open Meeting Law
- State law affecting school budgets
- Legislation pertaining to information technology, finance, business acceptable use and copyright law
- Request for public information
- Experience with other North Carolina Public Schools
- District Recommendations from other School Districts (North Carolina)
- Fee Proposals

11. General Requirements

A. Waiver and/or Rejection: Pender County Schools reserves the right to reject any and all proposals in whole or in part; with or without cause, and to accept proposals, if any, which in its judgment will be in its best interest. Pender County Schools will also have the option should no submittal meet their criteria to hire an attorney of their choice.

B. Proposal Public Record: Proposer acknowledges that all information contained within their proposal is part of the public domain as defined by the State of North Carolina Public Record Law.

C. Unrequested Solicitation: Any solicitation of Board Members, Officers or any other employee of Pender County Schools by the proposer may result in his/her proposal being denied consideration.

12. Staffing

The proposal shall designate that an attorney or attorneys be designated as the primary contacts at the firm. Pender County Board of Education may also establish limits on billing for multiple attorneys at meetings or conferences. Pender County Board of Education also reserves the right to require for the same or team of attorneys to handle a matter from start to finish.

For attendance at Board Meetings at which legal advice will not be required for major policy or other decisions, the proposer shall invoice the services of the attending attorney at its lowest hourly rate. The proposer shall also invoice routine advice and brief phone and email communications at its lowest hourly rate.

13. Term and Renewal

The term of the contract shall be for a period of two years, five months (2.5) years renewed annually. The contract may be renewed in the sole discretion of the Pender County Board of Education. Either party may terminate the contract by a thirty (30) day written notice to the other.

14. Final Criteria Evaluation

Pender County Schools will select the top proposals for final comparison review and may contact each servicer and ask follow-up questions concerning the RFP if needed. At this time, Pender County Schools may request individual interviews with the top finalist to allow them to clarify areas of their RFP. Based on the review and evaluation process discussed in this RFP, a decision will be made concerning awards of service.