

LEGAL SERVICES

**UPPER TOWNSHIP SCHOOL DISTRICT
PUBLIC NOTICE**

The Upper Township School District is seeking proposals for Legal Services from June 1, 2022 through June 30, 2023 as follows:

General Counsel Services
Special Education Services
Labor Relations Services

A copy of the RFP may be inspected or picked up at the Board office, 525 Perry Road, Petersburg, New Jersey, 08270, between the hours of 8:00 am and 4:00 pm, Monday through Friday. Further information may be obtained by calling Laurie A. Ryan, School Business Administrator/Board Secretary, at (609) 628-3500 ext. 2223 or via email at ryan@upperschools.org. Proposals are due in the business office by 10:00 am, Wednesday, May 18, 2022.

A. **BACKGROUND**

The Upper Township School District is a public school district located in Cape May County, New Jersey. The District provides education to students in grades K-8 in three schools. Altogether the District educates about 1,490 students. All students in grades 9-12 attend Ocean City School District through a send/receive relationship. There are about 225 staff members in the District, including teaching staff members and support staff. Further information may be obtained by visiting the school district's website at www.upperschools.org.

Proposers are advised that for any specific matter the Board may retain the services of another Attorney.

B. **SERVICES SPECIFICATIONS**

Scope of Service:

The Attorney shall be required to perform all legal services for the Board on an as-needed basis. Attorneys may submit proposals to provide services in General Counsel, Special Education, Labor/Personnel or for all service areas listed in the RFP.

General Council Services to be provided:

- * Provide legal research and/or advisory opinions as needed.
- * Review and/or draft all contracts, Inter-Local and Inter-Agency agreements.
- * Attend any and/or all meetings of the Board of Education as directed.
- * Be readily available for meetings with the President, representatives of the Board of Education or district administrators upon request.
- * Advise the Board of Education of changes in state and federal law and regulations, as well as court decisions, which will impact the district.
- * Review and advise for legal notices, resolutions, Board policies and matters of district governance.

- * Review and advise with matters including, but not limited to, procurement and execution of contracts and contract disputes solution.
- * Provide advice and counsel on all matters related to regular students including discipline, attendance, adherence to rules and regulations, etc.
- * Representation of the Board with respect to 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.

Special Education Counsel Services to be provided:

- * Review special education issues upon request and provide guidance to the Board and Administration.
- * Represent the district in mediation, upon request.
- * Representation of the district in all stages of mediation, including administrative law, commissioner, State Board and court proceedings until due process filed by parent/guardian. After which time, be available to consult with insurance appointed legal counsel.
- * Serve as the district's liaison to the legal representatives/advocates of parents.
- * Review special education contracts upon request.
- * Any additional matters as directed by the Board of Education.

Labor/Personnel Counsel Services to be provided:

- * Advise the Board in legal matters with respect to labor relations and personnel administration.
- * Review grievances with the administration and assist in writing administrative responses to the same.
- * Represent the Board in all arbitrations, administrative proceedings, court proceedings, etc. involving labor relations or personnel administration.
- * Advise the Board on employment, employee discipline, seniority, tenure and other personnel administration matters.
- * Advise on proposed contract language and bargaining proposals.
- * Develop possible salary guides in accordance with Board guidelines.
- * Prepare final contract documents upon settlement and ratification of tentative agreements.

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 response is expected, at least verbally to be followed in writing, within a maximum of 24 hours upon inquiry made by the Board or Administration.
- * Written legal opinions upon request.
- * Initiate and/or defend lawsuits as necessary at the direction of the Board.
- * Prepare all necessary legal documents.
- * Attend any and/or all meetings of the Board, meetings with committees or third parties, upon request.
- * Work cooperatively with legal counsel of insurance companies, consortiums or other collectives with whom the Board may be affiliated.

- * Represent the school district in all judicial and/or administrative proceedings within the specific service area in which the district 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 may impact the operation of the school.
- * Conduct in-service programs on specified legal issues for appropriate staff members, upon request.
- * Fulfill other legal duties as are commonly accepted and assigned.

Minimum Requirements:

- * At least ten (10) years of experience in public school law, public school litigation and familiarity with NJSA and NJAC.
- * Experience as a public school attorney in the State of New Jersey.
- * Be licensed to practice law in the State of New Jersey and be a member of the Bar in good standing.
- * One attorney shall be designated to represent the interests of the Board. This individual shall have been admitted and/or licensed in his/her profession in NJ and be in good standing.
- * The firm shall have three or more licensed professionals on staff whose major focus and work has been and remains providing professional services to and advising public entities.
- * If awarded a contract, your firm shall be required to comply with the requirements of NJSA 10:5-31 et seq. and NJAC 17:27.

C. PROPOSAL

The proposal shall include the following items:

- * Transmittal Letter: Each proposing Attorney shall submit a transmittal letter with their proposal that identifies the firm that is submitting the proposal and includes a commitment by said Attorney that they will serve as District Attorney if their proposal is accepted by the Board.
- * Description of Services and Experience: All proposing Attorneys should describe their practices and the services to be provided as well as acknowledge that they understand the scope of services sought by the Board.
- * Names of individuals who will perform required tasks as well as the listing of their licenses, qualifications and experience. Identify persons who will serve as back up to the primary person including resumes of all parties.
- * Fee structure: Submit an hourly rate for which the Attorney agrees to provide services, identifying whether clerical and other overhead costs will be billed separately. If the Attorney is requesting a retainer, a detail of what the retainer will cover must be included.
- * Recommendations from at least three clients, New Jersey School Districts preferred.

* Documents:

1. Ownership Disclosure Statement
2. Non-Collusion Affidavit
3. C. 271 Political Contribution Disclosure Form
4. Contractor/Vendor Questionnaire/Certification
5. Affirmative Action Questionnaire, Affidavit and Exhibit A
6. New Jersey Business Registration Certificate
7. Certificate of Employee Information Report
8. Disclosure of Investment Activities in Iran
9. Certification of Non-Debarment (Prior to Award of Contract)

Please provide one original of your proposal.

D. INTERVIEW

The Board of Education reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Board reserves the right to request clarifying information subsequent to the submission of the proposal.

E. CONTRACT TERM

The term of the contract for Services shall be from June 1, 2022 through June 30, 2023 and may be renewed annually.

F. SUBMISSION DEADLINE

The deadline to submit proposals is:

**Wednesday, May 18, 2022
10:00 a.m.**

G. EVALUATION OF PROPOSALS

The School District intends to award a professional services contract for the defined scope of work under the Fair and Open Process in accordance with NJSA 19:44A-20.4 et seq.

The proposals will be evaluated by the Board of Education, Superintendent, Business Administrator and such other members of the administration as may be called upon based on their level of interaction with the District Attorney based upon information supplied by each Professional in response to this RFP and the following criteria:

1. Ability to meet all minimum qualifications.
2. Overall knowledge and familiarity with the operations of the school district.
3. Experience of the firm in providing similar services to other public bodies, with special emphasis on experience in NJ.
4. Qualifications and experience of the professional.
5. Qualifications and experience of other members of the professional's firm.
6. Interview, if conducted.
7. The fee and hourly rates proposed.

H. AWARD OF CONTRACT

The contract will be awarded as a professional service in accordance with NJSA 18A:18A-5(1). It is the intention of the Board of Education to award the contract based on an evaluation of relative experience, qualifications and who will provide the highest quality of service at fair and competitive prices.