

School District Legal Services -Request for Proposal

March 28, 2018

The South Hunterdon Regional School District Board of Education invites applications from interested school board attorneys to provide legal services as per the following:

- **General Counsel**
- **Special Counsel - Negotiations/Labor/Personnel Counsel Services**
- **Special Counsel - Special Education**

The South Hunterdon Regional High School District is comprised of three elementary schools and one comprehensive middle school / high school, grades pre K –12. South Hunterdon Regional School District currently serves approximately 1,000 students. As a regional district, it serves Lambertville, West Amwell Township, and Stockton Borough in Hunterdon County. The district has multiple special education programs and an extensive extra-curricular and interscholastic athletic program.

Award of Services

The Board of Education may award one or more contracts for all legal services as listed below or may elect to award separate contracts in the following areas: general counsel, special education, and negotiations/labor relations/personnel administration. Attorneys may submit proposals to provide services in one, two or all of the service areas listed.

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:

1. Legal counsel and advice to the Board and Administration
2. 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 hours when an inquiry is made by the Board or the Administration.
3. Written legal opinions upon request.
4. Initiate and/or defend lawsuits as necessary and at the direction of the Board.
5. Prepare all necessary legal documents.
6. Attend meetings of the Board or its committees or third parties upon request.
7. Work cooperatively with legal counsels of insurance companies,

- consortiums, or other collective with whom the Board may be affiliated.
8. 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.
 9. 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 the school district.
 10. Conduct in-service programs on specified legal issues for appropriate staff members upon request.
 11. Fulfill other legal duties as are commonly accepted and assigned

Specific Service Areas (Attorneys may submit proposals to provide services in one, two or all of the service areas listed.)

A. General Counsel Services to be Provided:

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

B. Special Education Counsel Services to be Provided:

1. Review special education issues upon request and provide guidance to Board and Administration.
2. Represent the district in mediation upon request.
3. Represent the district at all stages of due process beyond mediation including administrative law, commissioner, state board and court proceedings.
4. Serve as the district's liaison to the legal representatives/advocates of parents.
5. Review special education contracts upon request.

C. Negotiations/Labor/Personnel Counsel Services to be Provided:

1. Serve as Chief Negotiator for the Board with the district's collective bargaining units.
2. Advise the board in all legal matters pertaining to collective bargaining, labor relations and personnel administration:
 - a. Advise on proposed contract language and bargaining proposals.
 - b. Develop possible salary guides in accordance with Board guidelines.
 - c. Prepare final contract documents upon settlement and ratification of tentative agreements.
 - d. Review grievances with the administration and assist in the writing of administrative responses to grievances.
 - e. Represent the Board in all grievances at the Board review level and beyond.
 - f. Represent the Board in all arbitrations, administrative proceedings, court proceedings, etc. involving labor relations or personnel administration.
 - g. Advise the Board on employment, employee discipline, seniority, tenure and other personnel administration matters.

Selection Criteria

The Board of Education will evaluate proposals using the following criteria:

1. Experience with New Jersey public school districts.
2. Availability of staff to meet the legal services needs of the district.
3. Recommendations from at least five current public school clients.
4. Fee proposal. (form provided)

Proposal

Each attorney is required to submit the following information in its proposal:

1. A list of all current New Jersey public school clients and length of service to each. Please identify the grade level of each school district and identify any that might be regional districts.
2. A list of all New Jersey public school clients that have terminated services in the past two years.
3. Background information on the attorney/attorneys to be assigned to the South Hunterdon Regional High School District Board of Education.
4. Proposed fee structure.
5. Affirmative Action Statement. (attached)

Information beyond the minimum requirements may also be submitted.

All proposals are to be submitted in writing and received no later than 2:00pm Tuesday, April 24, 2018. Proposals are to be submitted to:

Kerry Sevilis, Business Administrator/Board Secretary
South Hunterdon Regional Board of Education
301 Mt. Airy Harbourton Rd.
Lambertville, NJ 08530

The Board of Education intends to appoint the successful firm(s) on or after April 30, 2018. Services of the selected firm(s) will commence immediately thereafter.

Fee Structure

Name of Firm _____

General Counsel _____ /hr or _____ fixed fee

Special Education _____ /hr or _____ fixed fee

Construction _____ /hr or _____ fixed fee

Negotiations/Labor _____ /hr or _____ fixed fee

Associate _____ /hr

Paralegal _____ /hr

AFFIRMATIVE ACTION LANGUAGE:

ALL PROFESSIONALS/CONTRACTORS ARE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF P.L. 1975, c. 127 (NJAC 17:27)

ALL PROFESSIONALS/CONTRACTORS SHALL UNDERSTAND THAT THE FOLLOWING MANDATORY AFFIRMATIVE ACTION LANGUAGE IS MADE PART OF ANY AND ALL CONTRACTS WITH THE ATLANTIC CITY BOARD OF EDUCATION.

DURING THE PERFORMANCE OF THIS CONTRACT, the contractor/professional agrees to as follows:

The contractor or subcontractor, where applicable will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed color, national origin, ancestry, marital status, sex or affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause;

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex or affectional or sexual orientation;

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable federal law and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to subchapter 10 of the Administrative Code (NJAC 17:27).

COMPANY NAME:

SIGNATURE:

TAXPAYER ID NUMBER:

ADDRESS:

(street, city, state, zip code)

TELEPHONE: (____) _____

FAX: (____) _____

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 52:34-25(b) itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest:” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law.

¹ N.J.S.A. 19:44A-3(s): “The term “legislative leadership committee” means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.”

FOR CONTRACT PROPOSALS IN EXCESS OF \$17,500 ANNUALLY ONLY:

REPORT CONTRIBUTIONS OF OVER \$300 BY YOUR BUSINESS OR ANY OF ITS PARTNER OFFICERS, OR THEIR SPOUSES, TO:

- **A STATE PARTY COMMITTEE**
- **ANY POLITICAL ACTION COMMITTEE**
- **ANY COUNTY OR MUNICIPAL PARTY COMMITTEE IN HUNTERDON COUNTY**
- **ANY LEGISLATIVE LEADERSHIP COMMITTEE**
- **ANY CANDIDATE FOR THE SOUTH HUNTERDON REGIONAL SCHOOL DISTRICT BOARD OF EDUCATION**
- **ANY CANDIDATE FOR ELECTIVE OFFICE OF ANY KIND WITHIN HUNTERDON COUNTY**

• C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

**This form or its permitted facsimile must be submitted to the local unit
no later than 10 days prior to the award of the contract.**

Part I – Vendor Information

| | | | |
|--------------|--------|------|--|
| Vendor Name: | | | |
| Address: | | | |
| City: | State: | Zip: | |

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

Signature _____

Printed Name _____

Title _____

Part II – Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

| Contributor Name | Recipient Name | Date | Dollar Amount |
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Check here if the information is continued on subsequent page(s)

NON-COLLUSION AFFIDAVIT

State of New Jersey
County of _____

ss:

I, _____ residing in _____
(name of affiant) (name of municipality)
in the County of _____ and State of _____ of full age,
being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____
(title or position) (name of firm)

_____ the bidder making this Proposal for the bid
entitled _____,
(title of bid proposal) and that I executed the said proposal with

full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the _____ relies upon
the truth of the statements contained in said Proposal
(name of contracting unit)

and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by _____.

Subscribed and sworn to

before me this day

Signature

_____, 2 _____

(Type or print name of affiant under signature)

Notary public of

My Commission expires _____

(Seal)