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REQUEST FOR PROPOSAL FOR LEGAL SERVICES

RFP # 19-010

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

Mr. Lawrence McKenzie, Chief Financial Officer

Allegany County Public Schools

108 Washington Street

Cumberland, MD 21501-1724

bids@acpsmd.org

Deadline for Submittal of Proposals:

February 22, 2019 at 4:00PM Eastern Standard Time

I. GENERAL INFORMATION.

- A. **Purpose.** This request for proposal (RFP) is to contract for legal services to be provided to The Board of Education of Allegany County, Maryland, which also conducts business as Allegany County Public Schools and ACPS, hereafter referred to as "the Board".
- B. **Who May Respond.** Attorneys and firms with attorneys currently licensed to practice law in **Maryland** and meeting the qualifications of attached Board Policy (File: BDG) School Attorney/Legal Services may respond to this RFP.
- C. **Instructions on Proposal Submission.**
1. **Closing Submission Date.** One (1) original and (7) copies of the proposal shall be submitted or hand delivered to Allegany County Public Schools, Attention: Mr. Lawrence McKenzie, Chief Financial Officer, 108 Washington Street, PO Box 1724, Cumberland, MD 21501-1724, no later than February 22, 2019 at 4:00 PM Eastern Standard Time. Proposals must be submitted in sealed envelopes with the RFP number, vendor's name and address, and proposal due date visibly displayed on the outside. Proposals received after that date and time or not submitted as outlined will not be considered. A Register of Proposals will be prepared by the end of business on February 25, 2019. The Register of Proposals shall be open for inspection after award of the contract.
 2. **Inquiries.** Inquiries concerning this RFP should be emailed to Lawrence McKenzie at:

bids@acpsmd.org
 3. **Conditions of Proposal.** All costs incurred in the preparation and submission of a proposal to this RFP will be the responsibility of the Proposer and are not reimbursable by the Board.
 4. **Right to Reject.** The Board reserves the right to reject any and all proposals.
 5. **Notification of Award.** It is expected that a decision selecting the successful finalists will be made within four (4) weeks of the closing date. Finalists will be notified of a time and date of Board and superintendent interviews. It is expected that the contract shall be a two-year contract.

D. Description of Entity.

Allegany County is home to fourteen public elementary schools, four public middle schools, three public high schools, one technical school, and one alternative placement program. All twenty-two schools are staffed by highly qualified teachers. All schools are divided into "feeder systems" which are determined by geographic location. Elementary schools feed into middle schools, which feed into one of the county's three high schools.

Additional information on The Board of Education of Allegany County, Maryland can be found at our web site <https://www.acpsmd.org>

II. SCOPE OF SERVICES. The Proposer shall be readily available to perform the following legal services, as requested by the Board of Education of Allegany County, Maryland, the superintendent, or their designee:

- A. Represent the Board and/or Allegany County Public Schools in any litigation in which it is a party.

- B. Represent the Board regarding policy or action requiring specialized legal expertise or general legal issues arising through the ongoing operation of the school system.
- C. Represent the Board or its quasi-judicial responsibilities in appeals and hearings.

A separate attorney will be retained to advise the superintendent or his designee when the Board of Education attorney must be involved with personnel or student expulsion hearings resulting from decisions made by the superintendent.

The Board of Education may employ other attorneys from time to time as the need arises. The attorney will attend executive and work sessions when requested by the superintendent or Board president.

III. PROPOSAL CONTENTS. The Proposer, in its proposal, shall, as a minimum, include the following:

- A. **Legal Experience.** The Proposer should describe its extensive experience related to the areas outlined in the scope of services above with a particular interest being placed on experiences relating to public school law. Additionally, please provide a description of any additional experience advising comparable organizations.

The Proposer should also describe its organization in terms of the following:

- size
- structure,
- areas of practice
- office location(s)

- B. **Attorney Qualifications.** The Proposer, if a firm, should separately attach a resume as well as a description of the qualifications of each of the attorneys to be assigned to the representation. The qualifications as outlined in Section VI of Board policy School Attorney/Legal Services (File BDG) are:

1. Graduation from an accredited school of law, admission to the Bar of the State of Maryland, and considerable professional experience as an attorney in court and administrative proceedings and trials.
2. Thorough knowledge of Education law, Maryland State Board of Education Bylaws, court and administrative hearings and effective techniques in the presentation of such cases.
3. Ability to analyze legal issues, facts, evidence and precedents in highly complex legal documents and instruments.
4. Ability to prepare contracts, other legal instruments, and court presentations with high effectiveness.
5. Ability to deal tactfully and effectively with school system officials, county officials, court officials and personnel.
6. Thorough knowledge of the common law and of county, state and federal laws and precedents with particular reference to the subject area of assignment.
7. Thorough knowledge of judicial procedures and of the rules of evidence.
8. Thorough knowledge of principles, materials, methods and practice of legal research.
9. Is a resident of Allegany County.

- C. **Fee Structure.** The Proposer's proposed fee structure should include information on the hourly billing rates of each attorney or other legal staff who are expected to work on this representation and charges for expenses, if any, such as legal research, copies, faxes and electronic communication. Also include a retainer amount that would be charged to attend meetings and advise the Board on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. The Board reserves the right to negotiate with the Proposer on the structure of a billing and/or retainer fee.

IV. **PROPOSAL EVALUATION.**

- A. **Submission of Proposals.** All proposals shall include one (1) original and seven (7) copies.
- B. **Evaluation Procedure and Criteria.** Members of the Board and the Superintendent will review proposals and determine finalists and which firms/attorneys they wish to interview. Proposals will be reviewed in accordance with the following criteria:
1. Proposed approach to scope of services.
 2. Level of experience of the individual(s) identified to work on this matter.
 3. The Proposer's experience and expertise regarding education law, case law, and Maryland State Board of Education decisions.
 4. The Proposer's experience with similar clients.
 5. Cost.

V. **PROPOSAL TIMELINE.**

During the period from your organization's receipt of this RFP and until a contract is awarded, your organization shall not contact any employee of the Board for additional information except in writing via email directed to Lawrence McKenzie at bids@acpsmd.org

VI. **QUESTIONS.**

Questions for the purpose of clarifying the RFP must be submitted **in writing via email to Lawrence McKenzie at bids@acpsmd.org** and must be received no later than **4:00 p.m. on February 13, 2019.**

Questions will be reviewed and responses will be posted via "Addendum to The Board of Education of Allegany County, Maryland RFP for Legal Services" on the Board website at <http://www.acpsmd.org> by 4:00 p.m. on February 15, 2019, for those questions that are deemed appropriate.

VII. **GENERAL INFORMATION.**

A. **Contract Award**

The Board reserves the right to award the contract in a manner deemed to be in its best interests.

B. **Stability of Proposed Prices**

Any price offerings from Proposers must be valid for a period of 90 days from the date of the proposal.

C. **Amendment or Cancellation of the RFP**

The Board reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interests of the Board.

D. **Proposal Modifications**

No additions or changes to any proposal will be allowed after the proposal due date, unless such modification is specifically requested by the Board. The Board, at its option, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.

E. Proposer Presentation of Supporting Evidence

Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that the Board deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.

F. Proposer Demonstration of Proposed Services

Proposers must be able to confirm their ability to provide all services as outlined in the Scope of Services.

G. Erroneous Awards

The Board reserves the right to correct inaccurate awards. This includes revoking the awarding of a contract to a Proposer and subsequently awarding the contract to a different Proposer.

Such action shall not constitute a breach of contract on the part of the Board because the contract with the initial Proposer will be deemed voided as if no contract were ever in place.

H. Ownership of Proposals

All proposals shall become the property of the Board and will not be returned.

I. Oral Agreement or Arrangements

Any alleged oral agreements or arrangements made by Proposers with the Board will be disregarded in any proposal evaluation or associated award.

J. Not a Contract

This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited. The Board will interview finalists based upon the RFP process in determining the selection of the firm/attorney. The Board may decide at any time to start the RFP process again. The selected Proposer will be required to sign a formal contract.

K. Subcontractors

The Board must approve any and all subcontractors utilized by the successful Proposer prior to any such subcontractor commencing any work.