

**DELSEA  
REGIONAL  
BOARD OF  
EDUCATION**

**FAIR AND OPEN PROCESS  
N.J.S.A. 19:44A-20.4 ET SEQ.**

***REQUEST FOR PROPOSALS***

***SCHOOL BOARD ATTORNEY***

**DELSEA REGIONAL BOARD OF EDUCATION  
242 Fries Mill Road  
Franklinville, New Jersey 08322**

**NOTICE  
REQUEST FOR PROPOSALS FOR SCHOOL BOARD ATTORNEY**

Notice is hereby given that the Delsea Regional Board of Education, County of Gloucester, State of New Jersey, is requesting proposals to provide School Board Attorney Services for the Delsea Regional High School District for the 2010-2011 school year.

Proposals must be submitted to the Kathy A. Mastran, CPA, School Business Administrator/Board Secretary, PO Box 405, Franklinville, NJ 08322 by **Friday, September 17, 2010** no later than 12:00 PM. Proposals must be submitted in sealed envelopes with the name of the RFP clearly marked on the outside of the envelope.

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.

The Board of Education reserves the right to accept or reject any and all proposals submitted in the best interest of the school district and the Board further reserves the right to waive any defect or informality in any proposal should it be in the best interest of the school district.

Proposals are required to comply with the requirements of P.L. 1975, c. 127(N.J.A.C. 17:27).

The District 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.

The contract will begin after Board approval which is anticipated for October 6, 2010, through and including June 30, 2011. The Board reserves the right to exercise renewal thereafter. The Board of Education has the right to terminate with a 30-day notice.

**This Request For Proposals does not constitute a bid and is intended solely to obtain competitive proposals from which the Board of Education may choose contractor(s) that best meet(s) the Board of Education's needs. It is the Board of Education's intent that no statutory, regulatory, or common law bidding requirement apply to this Request for Proposals. The Board of Education intends to award this contract pursuant to N.J.S.A. 18A:18-5.a(1).**

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Franklinville, New Jersey 08322**

**NOTICE  
REQUEST FOR PROPOSALS FOR SCHOOL BOARD ATTORNEY**

The Delsea Regional Board of Education is a Gloucester County based, 7-12 school district. It consists of one middle school and one high school. The current enrollment is approximately 1800 students with a current workforce of approximately 300 employees.

**Scope of Services**

The Scope of Services required under this Request for Proposals includes serving as the School Board Attorney providing professional legal services relating thereto from the date of Board approval, for a term ending June 30, 2011.

General Counsel Services to be provided, but not limited to:

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, with 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 monthly meetings of the Board of Education upon request with at least one week notice, except for emergencies.
7. Attend committee meetings upon request.
8. Work cooperatively with legal counsels of insurance companies, consortiums, or other entities with whom the Board may be affiliated.
9. 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.
10. 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.
11. Provide bills that are detailed as to what and when work was performed and with or for whom. Example of billings required:

Date	Attorney	Description	Time	Cost
5/1/08	ABC	Phone conf. with Super. Re: Grievance BK.	.2 hrs.	25.00

12. Fulfill other legal duties as are commonly accepted and assigned.

## **Minimum Qualifications**

The firm shall have one or more licensed professionals on staff whose major focus and work has been and remains 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 professional within the firm, who will be assigned to represent the interest of the Delsea Regional Board of Education. This individual shall have been admitted and/or licensed in his/her profession and be in good standing. The firm and individuals assigned to work with the Delsea Regional Board of Education shall be well versed in all aspects of school law.

## **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 this Request for Proposal.

### Professional Liability

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

### Workers Compensation and Employers' Liability

Statutory coverage for New Jersey;  
\$100,000 Employer's Liability  
Broad Form All-States Endorsement

### General Liability

\$1,000,000 Errors and Omissions per occurrence. The Board of Education shall be named as an additional insured with respect to general liability.

### Auto Liability

\$1,000,000 per occurrence/\$1,000,000 aggregate. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).

Prior to commencing work under contract, the successful firm(s) shall furnish the Board of Education with a certificate of insurance as evidence that it has procured the insurance coverage required herein and otherwise giving evidence that the insurance required herein has been procured. Firms must give the Board of Education sixty (60) day notice of cancellation, non-renewal or change insurance coverage.

## **Subcontractors**

Proposal shall identify subcontractors vendor proposes to use, if any, in any phase of the work covered by the Specification. The Proposer will set forth on the prescribed form included in the RFP checklist documents the name or names of all subcontractors to whom the proposer will subcontract work, along with evidence of **State of New Jersey Business Registration Certificate/License**. Subcontractors are required to comply with all requirements of P.L. 1975, c.127, as well as N.J.S.A. 18A:18A-1 et seq., Public School Contract Law.

## **Submission**

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

1. Affirmative Action Statement (see attached).
2. Exhibit A - Affirmative Action Language
3. New Jersey Business Registration Certificate.
4. Proof of required insurance coverage.
5. Proposal Form

Information beyond the minimum requirements may also be submitted.

Proposing firms shall also provide evidence that all minimum qualifications are met. Response to this Request for Proposals (RFP) shall also discuss and provide the following:

- A list of all current New Jersey public school clients and length of service to each.
- Background information on the attorney/attorneys to be assigned to the Delsea Regional Board of Education.
- Proposed fee structure. **No Separate Mileage/Travel Expenses will be paid.**
- Any supplemental data that you see as necessary to communicate your qualifications to the School District.

Proposals that fail to provide all information requested may be rejected at the sole discretion of the Board of Education.

Submit proposals to:

Delsea Regional Board of Education  
c/o Kathy A. Mastran, CPA  
School Business Administrator/Board Secretary  
PO Box 405  
242 Fries Mill Road  
Franklinville, NJ 08322

**Phone #: (856) 694-2704**

**e-mail: [kmastran@delsearegional.us](mailto:kmastran@delsearegional.us)**

**All proposals are to be submitted in writing and received on or before 12:00 A.M. on Friday, September 17, 2010. All proposals shall remain firm for a period of sixty (60) days after the date specified for the receipt of proposals. The Delsea Regional Board of Education intends to appoint the successful firm on October 6, 2010. Services of the selected firm will commence after approval.**

### **Evaluation of Proposals**

The Delsea Regional Board of Education intends to award a professional services contract for the defined scope of work under the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et. seq.

The proposals will be evaluated by a committee of the School District based upon information supplied by each firm in response to this RFP and the following criteria:

- Ability to meet all minimum qualifications.
- Overall knowledge, experience and familiarity with the operations of the Delsea Board of Education.
- Experience of the firm in providing similar services to other public bodies, with special emphasis on experience in New Jersey.
- Qualifications and experience of the professional.
- Qualifications and experience of the other members of the professional's firm.

Proposals will be evaluated by the Delsea Regional Board of Education on the basis of which is the most advantageous, all relevant factors considered.

Any questions regarding this Request for Proposals should be directed to Kathy A. Mastran, Business Administrator/Board Secretary, Delsea Regional Board of Education.

## **AFFIRMATIVE ACTION STATEMENT – LEGAL SERVICE**

The following questions must be answered by all prospective firms:

1. Do you have a federally approved or sanctioned Affirmative Action Program?

Yes \_\_\_\_\_ No \_\_\_\_\_

- a) If yes, please submit a copy of such approval

2. Do you have a State Certificate of Employee Information Report approval?

Yes \_\_\_\_\_ No \_\_\_\_\_

- a) If yes, please submit a copy of such approval

3. If the firm cannot present #1 or #2, the firm is required to submit a completed Employees Information Report (Form AA302) at the time of the award only.

## EXHIBIT A

### **P.L. 1995, c. 127 (N.J.A.C. 17:27) MANDATORY AFFIRMATIVE ACTION LANGUAGE**

#### **GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees 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, affectional or sexual orientation and gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative of 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 any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., 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 women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:37-5.2, or binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies in the area, including, but not limited to, 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, 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.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and lay-off to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, 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 submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval  
Certificate of Employee Information Report  
Employee Information Report Form AA-302

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the division 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 Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

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Signature of Proposer

**Proposal Form**

**To Provide Services of School Board Attorney**

The undersigned agrees to provide attorney services for the Delsea Regional High School District Board of Education in accordance with the Request for Proposal – Attorney Services and any amendments or clarifications and accepts the terms therefore as a binding contractual obligation if the following proposal is accepted.

Hourly Fee \$ \_\_\_\_\_

Name of Firm: \_\_\_\_\_

Address of Firm: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name and Title \_\_\_\_\_

## PUBLIC SCHOOL CLIENT RECOMMENDATION LIST

1. School District: \_\_\_\_\_

Grade Organization: \_\_\_\_\_

Contact Name and Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

2. School District: \_\_\_\_\_

Grade Organization: \_\_\_\_\_

Contact Name and Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

3. School District: \_\_\_\_\_

Grade Organization: \_\_\_\_\_

Contact Name and Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

4. School District: \_\_\_\_\_

Grade Organization: \_\_\_\_\_

Contact Name and Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

5. School District: \_\_\_\_\_

Grade Organization: \_\_\_\_\_

Contact Name and Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_