



2021-2022 REQUEST FOR PROPOSAL
LEGAL SERVICES

BASE CONTRACT PERIOD: JULY 1, 2022 – JUNE 30, 2023
WITH POTENTIAL FOR FOUR-YEAR EXTENSION

PROPOSALS RECEIVED UNTIL 11:00 AM ON JUNE 30, 2022

The Hauppauge Union Free School District is issuing a Request for Proposals (RFP) for the selection of General Legal Counsel and Labor Relations Counsel to serve the District for the 2022-2023 school year. The contract period will be from July 1, 2022 through June 30, 2023 with the option to renew for four (4) additional years (July 1, 2023 – June 30, 2024, July 1, 2024 – June 30, 2025, July 1, 2025 – June 30, 2026 and July 1, 2026 – June 30, 2027) if deemed in the best interest of the District and approved by the Board of Education.

Sealed proposals will be received until 11:00 A.M. on Thursday, June 30, 2022 at the Hauppauge Union Free School District, Business Office, P.O. Box 6006, 495 Hoffman Lane, Hauppauge, New York 11788, Attention: Carolyn Biondi, Purchasing Agent. Proposal forms may be obtained at the aforementioned office. The Board of Education reserves the right to reject any proposal or to accept part of any proposal.

Proposals will be opened on the stated date, but will not be read aloud. Any interested party may attend. There will be no discussion at the time of the opening of the proposals. Proposals are irrevocable for a minimum period of 60 calendar days from the date of the proposal opening. A proposal may not be modified, withdrawn or canceled by a Proposer for the 60-calendar day period following the time and date designated for the receipt of proposals without the consent of the District.

The District's Board of Education reserves the right to reject any or all proposals that it considers not to be in the best interest of the District.

Please read the attached materials carefully before submitting your proposal. Incomplete or non-responsive proposals may not be considered.

Hauppauge Union Free School District
Dated: June 8, 2022

1. PURPOSE

The District requests proposals from qualified individuals and entities interested in providing General Legal Counsel and Labor Relations Counsel Services to the District. The contract period will be for one year (July 1, 2022 – June 30, 2023), with the option to renew for an additional four years. Renewal periods are by mutual agreement and not automatic.

2. PROPOSAL SUBMISSION

Sealed proposals must be clearly labeled as “**Proposal – Legal Services**” and submitted to the attention of Carolyn Biondi, Purchasing Agent. **Whiporwil School, 495 Hoffman Lane, P.O. Box 6006, Hauppauge, New York 11788** on or before 11:00 a.m. prevailing time, on **Thursday, June 30, 2022**. There is no expressed or implied obligation for the District to reimburse responding individuals or agencies for any expenses incurred in preparing proposals or attending interview(s) in response to the this RFP. Proposals submitted after the stated time and date **will not** be considered and will be returned to the individual or entity unopened.

All questions, requests for clarifications or additional information concerning the RFP or the procedures for responding must be made in writing and directed to Carolyn Biondi, Purchasing Agent at biondic@Hauppauge.k12.ny.us. All questions, requests for clarification or additional information must be received no later than **Tuesday, June 27, 2022 at 4:00 p.m.** Inquiries received after that date and time will not receive a response. All clarifications or supplemental information will be provided to all individuals and entities that have received a copy of this RFP from the District. All clarifications and supplemental information will be provided to all individuals and entities in writing and any clarifications or supplemental information provided in any other manner will not be binding. The District reserves the right to amend this RFP for any reason or based upon questions and issues raised and/or received in writing during the proposal process.

3. TIMETABLE

The District anticipates proceeding with the selection process according to the following schedule:

Deadline for submission of proposals:	Thursday, June 30, 2022
Interview with finalists (if requested by the District):	Week of July 11, 2022
Selection of Providers:	on or about July 18, 2022

4. REQUIREMENTS

A. Requirements for both General Legal Counsel and Labor Relations Counsel

1. Counsel must be admitted to the bar in New York State and be in good standing with the New York State Bar Association.
2. Counsel shall be well versed in the practices and procedures of and well qualified to render oral and written advice regarding all issues under New York State Education Law, Commissioner of Education Regulations, decisions and opinions, Civil Service Law, New York State Labor Law, Local Finance Law, General Municipal Law as well as all pertinent case law and other federal, state and local laws as applicable to Hauppauge. Counsel shall also have documented and successful experience in all of these areas of law.

3. At the direction of the Superintendent of Schools and with the approval of the Board of Education, conduct seminars for Hauppauge staff regarding but not limited to the following subjects: student discipline, teacher discipline, laws involving students with disabilities, collective bargaining agreement compliance, and teacher evaluation as related to process, tenure decisions and disciplinary proceedings as applicable.
4. Counsel shall attend all regular and special Hauppauge Board of Education meetings.
5. Counsel shall be available for review of Hauppauge Board of Education agenda items prior to meetings, as required.
6. Counsel shall monitor proposed and current relevant legislation of all federal, state and local governments and special interest groups, as required.
7. Counsel shall review and approve the legality of all policies and regulations of Hauppauge, as required.
8. Counsel shall be available to give advice and consult with the Hauppauge Superintendent of Schools or designee and the Board of Education President, as required.
9. Counsel shall advise and render written opinions, as requested, on any issue relative to the operations, functions or duties of Hauppauge, its Board Members or employees.
10. Counsel shall render oral and written advice regarding Hauppauge's compliance with all special education requirements, including those arising under IDEA, the Rehabilitation Act of 1973, and State law; and represent Hauppauge in all legal complaints, impartial due process hearings and appeals to the State Review Officer.
11. Counsel shall represent Hauppauge in all proceedings before the Commissioner of Education under Education Law Section 310.
12. Counsel shall review, prepare and advise Hauppauge and its administrative personnel with regard to vendor contracts, leases and bid documents.
13. Counsel shall be required to review and approve, as to the legality, the official minutes of the Hauppauge Board of Education, as required.
14. Counsel, as required, shall appear for and represent Hauppauge in court in civil litigation, in Educational Law hearings, in matters submitted to the Commissioner of Education, in Special Education proceedings and in any other matter as directed by the Board of Education.
15. Counsel shall render oral and written advice regarding any and all other matters pertaining to Hauppauge, not specifically enumerated above.

B. Additional Requirements for Labor Relations Council

1. Counsel shall represent Hauppauge in all proceedings arising under Education Law Section 3020-a and Civil Service Law Section 75, as well as any other administrative proceedings asserting a violation of due process or other employment rights, whether arising from statute or common law.

2. Counsel shall represent Hauppauge in all Article 78 proceedings, regardless of the nature of the claim asserted, and in all actions in State court for declaratory and/or injunctive relief.
3. Counsel shall render oral and written advice regarding all aspects of labor relations with Hauppauge's various bargaining units, and all labor and employment law matters relating to Hauppauge's non-represented employees.
4. Counsel shall represent Hauppauge in all administrative proceedings arising under the New York State Human Rights Law, Title VI of the Civil Rights Act of 1964, and Title VII of the Civil Rights Act of 1964.
5. Counsel shall represent the District with regard to labor issues in civil litigation, in proceedings before PERB, in Educational Law hearings, in NYS Division of Human Rights proceedings, in matters submitted to the Commissioner of Education, in collective bargaining grievances and arbitration proceedings.
6. Counsel will be required to serve as chief spokesperson with regard to labor negotiations for all Hauppauge bargaining units. Counsel will also be required to represent Hauppauge in all related proceedings held pursuant to the Taylor Law including mediation and fact-finding. In the event of any strike or similar job action, provide advice and counsel regarding operations during such strike and legal representation in any PERB or court proceedings arising from the strike.
7. Counsel shall participate in the preparation, execution and delivery of all collective bargaining agreements.

C. Insured Coverage

Where an insurance policy results in Hauppauge being provided a defense by an insurer, and Counsel is retained to represent Hauppauge pursuant to that coverage, Counsel will submit statements reflecting an hourly rate agreeable to the insurer, and will accept the compensation paid by the insurer. Hauppauge will not otherwise be charged by Counsel for representation. The services may be commenced upon award of contract and the person or company is asked to plan to continue to provide representation until all services are executed.

5. DISTRICT BACKGROUND

A. Contact Person

Counsel's principal contacts with Hauppauge will be the Board of Education President and Superintendent of Schools.

B. Background Information

Hauppauge, which consistently maintains its reputation for outstanding academic, athletic and artistic achievements, is the twenty-seventh largest of Suffolk County's sixty-nine school systems educating students in kindergarten through twelfth grade. Hauppauge, with a budget of \$123,913,904, educates approximately 3,200 students each year. The District is located within the Towns of Islip and Smithtown. Hauppauge currently employs over 670 individuals.

The following bargaining units exist at Hauppauge:

1. **Hauppauge Association of Administrative Personnel**
Membership: Approximately 19 administrators.
Contract Expiration: 6/30/24
2. **Hauppauge Teachers Association**
Membership: Approximately 327 teachers and registered nurses.
Contract Expiration: 6/30/27
3. **Hauppauge Teacher Assistant Association**
Membership: Approximately 96 teaching assistants and special education aides.
Contract Expiration: 6/30/23
4. **Hauppauge School Office Staff Association**
Membership: Approximately 54 clerical staff members
Contract Expiration: 6/30/22
5. **United Public Service Employees Union**
Membership: Approximately 138 custodians, maintenance mechanics, monitors
and bus drivers
Contract Expiration: Expires 6/30/29

6. REQUESTED INFORMATION

Only two copies of each proposal will be accepted, one titled “ORIGINAL” and the second titled “COPY” and should be submitted in a format that permits copying for review.

Each page of the proposal must be initialed by the individual submitting the proposal on behalf of the qualified individual or entity.

Incomplete submissions *will not* be considered for award. All materials submitted in response to this request for proposal will become the property of the District.

A. Proposals

Proposals shall detail the firms experience in all of the various legal areas referenced within this Request for Proposal, including information on specific counsel to be assigned to Hauppauge. Include all pertinent requested information and experience in specific areas of law. For example:

- The number of years of experience in labor negotiations, type and size of unions.
- Experience and number of years in mediation and arbitration.
- Evidence of successful litigation in all of the various legal areas referenced in this Request for Proposal.
- Number of years of litigation experience for each district and what Counsel did for that district.
- Experience in providing workshops and seminars on educational issues.

- List of active memberships in educationally oriented organizations.
- Evidence of involvement in educational issues on the federal, state and local levels. Denote outcomes.

B. Qualifications and Key Personnel

The Proposer must provide the identity and describe the qualifications of key personnel, team members, and any subcontractors to be involved in the engagement, including their project assignments and the extent of their participation. Specifically, describe key personnel and project teams and any subcontractors or consultants demonstrating capability and experience. Include any noteworthy areas of expertise in the pertinent work to be performed. Include resumes of all assigned personnel as an exhibit to this proposal.

C. Billing Format and Disbursements

Counsel shall maintain and present, for purposes of any necessary billing, time records indicating the professional services provided with respect to each separate matter. Time records shall include the staff member's name providing the service, the date of service, the legal issue being billed, the time spent and dollar amount. Invoices shall be submitted monthly, as may be required.

It is understood that Hauppauge will not be charged additional costs for clerical support services or indirect administrative costs associated with the provision of services.

D. Insurance

Counsel shall maintain professional errors and omissions insurance in the amount of at least \$5,000,000 per occurrence.

E. Other

- Identify all conflicts or potential conflicts that the firm may have in representing the District; including any current representation that the responder has that is adverse to the District.
- Discuss any other considerations or factors that impact upon your ability to perform the tasks relevant to or associated with this proposal.
- Identify any portion of your proposal that contains confidential or proprietary information.
- Complete and submit "Contact Details" form.

7. CONTRACTS

Each Proposer awarded a contract pursuant to this RFP will execute a contract with the District consistent with the provisions of this RFP. This contract is subject to termination by either party with thirty (30) days written notice.

8. RENEWALS

Successful Proposers may enter into contracts with the District for up to five years from the initial issuance of this RFP. The 2022-2023 school year will be considered the base year upon which the four year extension period will be based. Rates on extended contracts may increase, in each subsequent year, upon negotiation with each District, but in no case will such increase be more than the Consumer Price Index (C.P.I.) used by the New York State Education Department in setting tax levy limitations.

9. PROPOSAL EVALUATION/AWARD

The objective of the Hauppauge Public Schools is to select the proposer whose proposal is judged to be in the best interest of the Hauppauge Public Schools and most responsive to this request for proposals. Upon selection of a proposal, the Hauppauge Public Schools intends to enter into a contract with that proposer for the provision of the required services. In evaluating the proposals, the Hauppauge Public Schools will consider among other things, the following:

- A.** Qualifications of the Proposer:
 - 1. Ability of the Proposer to provide quality services;
 - 2. Ability of the Proposer to comply with all applicable laws, rules and regulations;
 - 3. Qualifications of the Proposer's proposed staff;
 - 4. Financial stability of the Proposer;
 - 5. Prior experience;
 - 6. Demonstrated competence/knowledge;
 - 7. Specialized expertise/skills;
 - 8. Reputation/references;
 - 9. Proposed technical strategies/methodologies in a special circumstance.

- B.** Responsiveness of the proposal to the instructions and requirements of this RFP.

- C.** Costs. The Proposer's ability to offer a fair and reasonable fee that is consistent with prevailing market conditions.

- D.** Interviews, if requested by the District.

Additional criteria may be used as appropriate to the circumstance or Related Service to be provided.

Based on the award criteria, the District may, but will not necessarily choose the Proposer with the lowest proposed fee per related service. Any award of contract will be based on the sole discretion of the District.

The evaluation process is designed to award not necessarily to the Proposer of the least cost but rather to the Proposer(s) with the best combination of attributes based on the above-noted evaluation criteria.

The District reserves the right to award a contract to one or more Proposers and to award a contract to any Proposer for one, some or all of the categories of services offered in the Proposer's response. The District reserves the right to request additional information from or negotiate with any or all qualified Proposers or to cancel this RFP in its entirety, if it is in the best interests of the District to do so. The District may select as the successful proposal that proposal which, in the District's sole discretion and with whatever modifications the District and a Proposer may mutually agree upon, best meets the District's requirements.

The District reserves the right to waive any informality, technical defect, qualification, irregularity or omission in any proposal if, in the District's opinion, it is in the District's best interest to do so. The District reserves the right to accept any proposal by item or component or in part, or at the District's discretion, reject any or all proposals and re-advertise for new proposals, if in the District's opinion, the best interests of the District are promoted.

REFERENCES:

(Submit this form with your RFP)

Proposers must include with their proposal, a minimum of three (3) references where the bidder provides similar services to the services described herein. References must include contact names and telephone numbers. Proposers must also demonstrate that the firm or at least one principal in the firm has been providing the necessary services for a minimum of three (3) years. Failure to include this information with your proposal may result in the RFP's rejection.

Reference (Name & Company)

Telephone Number

1. _____

2. _____

3. _____

4. _____

5. _____

Contact Details

(Please submit with your RFP)

1.	Company name			
2.	Address			
3.	Telephone number			
4.	Fax number			
5.	Contact person			
6.	Position in Company			
7.	Email address			
8.	Website (if applicable)			
9.	Number of employees	Full time _____	Part Time _____	

CERTIFICATION - IRAN DIVESTMENT ACT OF 2012

By submission of this proposal, each Proposer and each person signing on behalf of any Proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that each Proposer and each person is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.

If this is submitted by a corporate entity, the corporate entity shall be deemed to have been authorized by the board of directors (or comparable entity) of the bidder, and such authorization shall be deemed to include the signing and submission of this bid and the inclusion therein of this certification as the act and deed of the corporate entity.

Name of Bidder: _____ (Print)

_____ (Signature)

_____ (Print Name)

_____ (Print Title)

Date: _____