

Community Unit School District 205, Knox & Warren County, Galesburg, IL
Request for Qualifications ("RFQ")
Counselor & Legal Services RFQ

PRE-BID CONFERENCE: Tuesday, January 10, 2012, 10:30a.m.,
Lincoln Education Center, 932 Harrison St., Galesburg, IL 61401

RESPONSE DUE: Tuesday, January 17, 2012, 1:30p.m.,
Lincoln Education Center, 932 Harrison St., Galesburg, IL 61401

I. OVERVIEW

Community Unit School District 205, Knox & Warren County is seeking counselor and legal services. The solicitation was prompted by the passing of long-time, local district legal counsel Tom West. Mr. West served the district nearly thirty-five years and with his father before him a total of sixty years. The district will miss Mr. West. The district looks to establish a long-term relationship with a successor attorney and/or firm. The successor attorney/firm would provide counselor and legal services to the Board of Education and its administrative staff including but not limited to matters of school, municipal, not-for-profit, local, state and federal law; policy and administrative rule and regulation; governance; and student, staff, parent, community and taxpayer relations.

The district is comprised of grades pre-kindergarten through twelfth grade serving portions of Knox and Warren counties in Illinois. The district is situated along Interstate-74 equal distance from Peoria and the Quad Cities. The mainlines of the Burlington-Northern-Santa Fe Railroad "cross" in Galesburg which boasts the second largest classification yard in the combined freight-rail system. Amtrak provides four daily passenger trains to/from Chicago and Galesburg; there are several commercial airlines flying into either Moline or Peoria a short :45min. drive along I-74. Drawing most of its students from the 33,000 strong City of Galesburg, school district 205—as it is more commonly known, serves 4500 students in six elementary buildings, two middle schools, a high school, an alternative school and a pre-school. The district, as administrative agent, is the home to the Knox-Warren Special Education District and the Galesburg Area Vocational Center. Major employers include the aforementioned railroad, Cottage and St. Mary Hospitals, Knox and Carl Sandburg Colleges—the latter a junior college, Dick Blick Art Supplies and Gates Manufacturing. The estimated per capita income is \$21,432 (2008) with a median average household income of approximately \$37,981 (2008). The median home value in 2008—last data available—was \$101,065 (up \$42,365 from \$59,700 in 2000). Unemployment stood at ___% (2008) which is believed to undercount the current economic condition here in 2011. Demographically, the populace is made up of 80.5% white, 10.8% black, 5.4% Hispanic, and 3.3% other. The District is currently in the midst of a ten year, \$110,000,000 building revitalization project dubbed "Operation Rebuild-Achievement: 20-year Master Facility Plan." The District consistently ranks well among unit district of like demographics both academically and financially, having some of the highest test scores, best attendance and graduation rates, lowest student-to-teacher and highest student-to-administrator ratios. The District covets and enjoys the Illinois State Board of Education's highest financial status rating of "recognition". Standard and Poor's and Moody's Investor Services rated the District's most recent bonds as "AA-minus" and "Aa3" respectively.

II. SCOPE OF WORK

A. General

The counselor and legal services provided have evolved over time and today are characterized as being “local” services including but not limited to advice and interpretation of State and Federal law, as well as local ordinances, as they might apply to the school district. These services have included matters related to intergovernmental cooperation, property and real estate, taxes and assessments, ordinance and code compliance, staff and student due process, open meetings compliance, freedom of information, election law, purchasing, bidding and contracts, corporate and organizational matters, and the like. Counsel for these local services has been “retained” on a set monthly fee.

Specialized services on matters pertaining to special education, labor negotiation and relations, ADA, worker compensation, age discrimination and tort immunity, financing, bonds and borrowing, student and staff evaluation, discipline, discharge and reduction-in-force and the like have been handled by “outside” counsel. Counsel for these outside services has been “retained” on an hourly rate basis.

In some instances there has been overlap between the two forms of “retained” services—i.e., local counsel has performed outside services and vice versa. This solicitation seeks to replace local counsel; it is inherently implied that local counsel could provide outside services.

“Local” does not mean maintaining an office/practice within the district’s attendance boundaries; however, legal counsel establishing or maintaining an office/practice within the district’s attendance boundaries is considered desirable by the Board from a local legal community perspective.

Selected legal counsel shall become intimately familiar with the history and have a working knowledge of the school district, its legal and corporate standing, major historical events, significant decisions and initiatives and current direction.

Selected legal counsel shall become intimately familiar with the State of Illinois Constitution specific to schools, the Illinois School Code (105 ILCS) and other statutes referenced therein including but not limited to the applicable provisions of 5 ILCS, 10 ILCS, 30 ILCS, 35 ILCS, 40 ILCS, 45 ILCS, 50 ILCS, 55 ILCS, 65 ILCS, 115 ILCS, 325 ILCS, 405 ILCS, 410 ILCS, 625 ILCS, 705 ILCS, 715 ILCS, 720 ILCS, 740 ILCS, 745 ILCS, 750 ILCS, 775 ILCS, and 820 ILCS and other Chapters from time to time that might be amended to have an affect on the conduct of the District.

B. Counselor and Legal Services

Upon request, Attorney shall provide to the Superintendent, his or her designee(s), the Board President, three or more members of the Board acting in concert and/or “outside” legal counsel, as the case may dictate, historical context, advice and legal interpretation in matters pertaining to:

1. state and federal law, administrative rule, code and local ordinance and their application;
2. the formulation and implementation of policy, rule and regulation;
3. corporate organization and governance including but not limited to elections, officers and committees
4. personal service, labor, employment, vendor and other contracts;
5. local political climate, intergovernmental relations and cooperation;
6. beyond the scope provided for herein; that “local” counsel shall endeavor to cooperate, collaborate and coordinate with “outside” legal counsel on such matters;
7. the review of all proposed actions coming before the Board for consideration and/or action and advise when such action may not comport to statute, policy, rule or regulation including eligibility of an item for closed session consideration; and,
8. any and all other matters that might properly come before the organization requiring legal advice and/or interpretation.

C. Services

Attorney shall:

1. act as the districts designated agent or Agent of Record on all matters corporate and legal and upon direction of the Superintendent provide for the proper disposition of matters coming before the corporate entity;
2. provide/respond to notice, make appearances and represent the interests of the district before the Courts, administrative agency or local county and city department upon direction of the Superintendent;
3. prepare briefs and provide written opinions on all matters of Federal and State law and local ordinance interpretation and administration upon direction of the Superintendent
4. represent the interests of the district on assessment complaints and property tax appeals;
5. represent the interests of the district on real estate, boundary, tax exemption, and related matters;
6. review and prepare/respond to matters pertaining to open meeting act compliance, legal notice postings and freedom of information requests as directed by the Superintendent;
7. opine on all matters corporate, organizational and governance including election law compliance, board elections, election petitions, formulation of questions at referendum, candidacy and eligibility, certification of election results, seating of new members, election of officers, and related matters;
8. opine on all matters of meeting conduct, act as Board Parliamentarian and attend, at the direction of the Superintendent and/or Board President, all regular and special meetings of the Board of Education;
9. negotiate and/or opine on all matters pertaining to purchasing, bidding and contracts at the direction of the Superintendent;
10. represent, litigate and/or negotiate settlements of disputes involving the district at the direction of the Superintendent; and,
11. perform such other general legal services as may be directed by the Superintendent.

Attorney, unless otherwise directed by the Superintendent, shall cooperate, collaborate and coordinate with outside counsel but otherwise not:

12. act on matters pertaining to special education, labor contracts and relations, staff selection, retention, evaluation, reduction and dismissal, tort immunity matters, unemployment matters, equal employment, age and disability discrimination matters, finance, bond and disclosure matters, and the like.

III.

STATEMENT OF QUALIFICATIONS

Please provide nine (9) copies of the following information in 8 1/2" x 11" format to:

Ms. Paulette Earp
 Purchasing Agent
 Community Unit School District 205, Knox & Warren County
 932 Harrison St.
 Galesburg, Illinois 61401

Submittals will be received by the District until **1:30 p.m., Tuesday, January 17, 2012. Submittals should be marked "Counselor & Legal Services RFQ."**

Provide all information requested below and organize each category of information as an exhibit, each exhibit beginning on its own separate page.

A. Firm Profile

- 1) General (On a separate page, complete with below information and mark as Exhibit 1.)
 - Legal Name of Firm
 - Location of the firm's principal office within which the work will be managed
 (Include Address, City, State, Zip)
 Telephone Number / Fax Number / Web
 Address / Email of Principal Contact:
 (name) (e-mail)
 - Location of the firm's other office(s), if any, within which portions of the work will be performed (Include Address, City, State, Zip)
 - Number of years in Business under current legal name:
 - List previous legal names and years in business:
 - Type of Organization:
 Individual Partnership Corporation LLP LLC
 - Within this organization, are there any entities that are Professional Service Corporations?
 If yes, list the names of each.
 - Number of full time employees at firm's principal office and other offices.
 Attorneys Para legal Administrative Clerical

- 2) Number of Illinois Licensed Personnel(*) within area of practice/specialty offered: (On a separate page, complete with below information and mark as Exhibit 2.)

Principal Other Offices

Practice Areas:

| | | |
|------------------------------|--|--|
| • School Law | | |
| o Treasurers | | |
| o Elections | | |
| o School Boards | | |
| o Children with Disabilities | | |
| o Common School Lands | | |
| o Gifts | | |
| o Budgets | | |
| o Common School Fund | | |
| o Debt Limitation | | |
| o Working Cash | | |
| o Certification of Teachers | | |
| o General Provisions | | |
| o School Board Associations | | |
| o Employment of Teachers | | |

| | | | |
|---|--|--|--|
| ○ | Pupils | | |
| ○ | Courses of Study | | |
| ○ | Instructional Materials | | |
| ○ | Transportation | | |
| ○ | Student Records | | |
| ○ | Children and Family Community Protection | | |
| ○ | Education for Homeless Children | | |
| ○ | School Employee Benefit | | |
| ● | Educational labor Relations | | |
| ● | Elections | | |
| ● | Finance | | |
| ● | Revenue | | |
| ● | Pensions | | |
| ● | Interstate Compacts | | |
| ● | Local Government | | |
| ● | Counties and Municipalities | | |
| ● | Children and Families | | |
| ● | Mental Health | | |
| ● | Public Health | | |
| ● | Vehicles | | |
| ● | Courts | | |
| ● | Notices | | |
| ● | Criminal Offenses | | |
| ● | Civil Liabilities | | |
| ● | Civil Immunities | | |
| ● | Human Rights | | |
| ● | Employment | | |
| ● | Special Education | | |
| ● | Collective Bargaining | | |
| ● | Teacher Tenure, Evaluation, Reduction, Dismissal | | |

(* Disciplines licensed by the State of Illinois. Otherwise, indicate number of staff holding relevant registration or certification.)

- 3) List the firm's general and special areas of practice. Include the percentage of work for practice areas, and dollar fee volumes, of total work within last five years. (On a separate page, complete with requested information and mark as Exhibit 4.)
- 4) Provide a copy of the firm's financial statement, for the past three years. (In a separate sealed envelope, complete with requested information and mark as Exhibit 5. This information will be treated as "privileged" and "confidential".)
- 5) Indicate the levels of professional liability and general liability insurance coverage carried by the firm. Please use industry-standard Acord form for this information. (On a separate page—Acord form, complete with requested information and mark as Exhibit 6.)

B. Proposed Team (On a separate page, complete with below information and mark as Exhibit 7.)

- 1) Organization/Firm Roles and Responsibilities (Indicate prime firms, consultants, and proposed staff, with a description of the roles of each. Indicate number of professional staff for all disciplines to be assigned to the district.)
- 2) Structure (Provide an organization chart identifying firms, individuals, locations and interface relationships)
- 3) Key Personnel (Include resumes of key professionals of principal office and other offices; include resume of lead attorney handling district matters.)

C. Primary/Secondary Educational Experience (On a separate page, complete with below information and mark as Exhibit 8.)

- 1) Client List (school districts and municipalities or other governmental units served in Illinois and elsewhere) within the last five years
- 2) References (provide name, title, phone number, address and e-mail for ten people who can speak to the firm's overall performance and key individual team members' service performance)

D. Other Relevant Experience (On a separate page, complete with below information and mark at Exhibit 9.)

Include other information with supportive data or graphics, which you believe is relevant for District 205's consideration in selecting 'local' counsel and legal services. *Limit to ten pages.*

E. Philosophical Beliefs (On a separate page of not more than 1000 words, express your philosophy on "the role of schools in serving communities"; mark as Exhibit 10.)

F. Potential Conflict of Interest / Other Clients (On a separate page, please list the name of any person, firm or entity with whom you believe or the district might believe to have a potential conflict with the District. Please provide in this exhibit a statement of assurance indicating that the District's interest would supersede those interests of any other client. Mark as Exhibit 11.)

IV. SELECTION PROCESS

A. Evaluation Criteria

The criteria outlined below will be initially employed to assess the attributes of the firm and its ability to respond to the unique needs of District 205. These criteria will be used to "paper-screen" the field of respondents. The finalists will then rank ordered on the sum total of their "paper screening" and "interview."

- 1) School and/or Municipal Law Experience
 - Experience with primary / secondary /unit school districts
 - Experience with municipalities / counties / special taxing districts
 - Experience with public corporate and governance matters
 - Experience with election law, referendum, electoral maps, petitions, election certification
 - Experience with policy, rule and regulation development
 - Demonstrated familiarity with school law, constitutional law pertaining to schools and applicable Federal law
 - Demonstrated familiarity with CUSD#205 history, significant events, major decisions and initiatives
 - Demonstrated familiarity with and respect from local city, county and state elected and government officials
- 2) Resumes, Licensures and Practice Areas of Key Personnel
- 3) References
- 4) Philosophical Beliefs
- 5) Firms Service Office Location(s)
- 6) Potential Conflicts of Interest

B. Superintendent Screening and Board Interview

The District will select up to three or four finalists to be interviewed by the Board of Education. The finalist will be selected from the respondents to this RFQ. The Board President, Superintendent and his administrative team will conduct a paper screening of the respondents. The paper screening will be based upon the timely, complete submission by respondents of the requested materials. Each submission will be assessed against the evaluation rubric developed for this process using the criteria listed above. References will be contacted. Based upon the evaluation criteria including reference checks, each firm shall be ranked ordered entering the interview process. The Board will make the final selection.

C. Schedule

The proposed timetable for the selection is outlined below. This schedule is subject to change as the District moves through the process.

| Dec | Jan | Feb | Mar | | | | | | | | | | |
|---|-----|-----|-----|---|----|----|----|---|----|----|----|---|----|
| 12 | 19 | 26 | 2 | 9 | 16 | 23 | 31 | 6 | 13 | 20 | 27 | 5 | 12 |
| Develop solicitation | | | | | | | | | | | | | |
| 12/20 Legal notice published, post RFQ on District WEB site, email notice to parties previously expressing interest | | | | | | | | | | | | | |
| 1/10 Hold "pre-submission" conference and tour | | | | | | | | | | | | | |
| 1/17 Deadline for submissions | | | | | | | | | | | | | |
| 1/27 Paper screening of respondents; narrowing of field to four completed; interview invitations extended | | | | | | | | | | | | | |
| 2/1-3 Interviews | | | | | | | | | | | | | |
| 2/6 Fee and term negotiation | | | | | | | | | | | | | |
| 2/13 Board appoints replacement | | | | | | | | | | | | | |
| 2/20 Legal Counsel available to district | | | | | | | | | | | | | |
| 3/12 Legal Counsel attends first Board meeting; introduced to public | | | | | | | | | | | | | |

V. RFQ CONDITIONS

A. RFQ Conditions

The District reserves the right to accept or reject, either in whole or in part, any and all submittals in response to this request, with or without cause, and to waive any and all irregularities in the bidding process which are deemed in the best interest of the District.

B. Response Material Ownership

All material submitted regarding this RFQ becomes the property of the District and will only be returned to the submitting firm at the District's option.

C. Incurring Costs

The District is not liable for any cost incurred by any firm prior to issuance of a written agreement and then only to the extent agreed upon in writing. No oral agreements or agreements not authorized by the Board of Education for any costs will be honored.

D. Reference Checks

The District reserves the right to contact any reference or any client listed in the documents for information which may be helpful to the District in evaluating the firm's past performance.

E. Clarification Deadline

All requests for clarifications shall be received by the below listed office on or before January 10, 2012 so sufficient time is available to make the same known to all prospective respondents.

F. District Contact Person

The District contact person to whom all questions regarding clarification of the RFQ and related matters is: Guy M. Cahill, Asst. Supt. Finance & Operations, Community Unit School District 205, Galesburg, IL 61401 or gcahill@galesburg205.org Email is the preferred method of communication. Place in the subject line of any correspondence "Counsel & Legal Service RFQ" when requesting information or corresponding with this office. Relevant information will be distributed to all potential proposers via email.

G. Other Contact

Under no circumstances shall a firm, individual of a firm and/or their agents make contact with and/or respond to individual school board members, staff, or selection advisory committee members during this selection process. Failure to follow this protocol may result in the disqualification of the firm.

VI. SEPARATE FEE PROPOSAL

A. Separate Fee Proposal in Sealed Envelope

Each respondent to this RFQ shall complete a separate fee proposal as more fully detailed below, place the same into a separate, sealed envelope and include it with their submission. The envelope should be clearly marked "FEE RESPONSE - Counselor & Legal Service RFQ."

Also to be included in this envelope is the hourly rates or rate sheets of the firm plus any discounts for counselor and legal services not included in the respondent's submission. These might include counselor and legal services for "outside" services, as the term is used herein.

"Local Services." Please indicate the annual "lump sum" costs including licensed attorney fees, paralegal fees, administrative and clerical fees plus office and personnel expenses for the provisioning of the requested counselor and legal services (Section II (A) (B) and (C)) except those expressly excluded or noted as "outside" services (Section II (C)(12)).

"Outside Services." Please indicate the hourly rate for all other services including attorney fees, paralegal fees, administrative and clerical fees plus office and personnel expenses for the provisioning of services not included in this response to the Counselor & Legal Services RFQ or Section II (C)(12).

It is understood that the annual "lump sum" fee shall be pro-rated equally across twelve months. Fees for "outside" services, if any, shall be invoiced monthly on a separate statement sufficiently detailed so as to distinguish the nature of the service, time spent by staff (broken out by attorneys, paralegals, administrative and clerical), hourly rate of said same staff, and incidental expenses. Invoices received on the first of the month, generally, shall be paid by the Board with the bills for that month.

B. Basis for Negotiation

This separate envelope with fee proposal shall remain sealed until the final firms are selected and ranked, at which time the envelope for each firm ranked first will be opened. When opened at that time, the proposal will form the basis for negotiation of definitive lump sum contract with the District. If the District is unable to reach agreement with a first ranked firm, it will move to the second ranked firm, and so on and so forth until a selection is made.