

**Wyoming Valley West School District  
450 North Maple Avenue  
Kingston, PA 18704**

**Request for Proposal for Legal Services  
April 28, 2022**

**Invitation for Proposal**

The Wyoming Valley West School District is soliciting proposals from legal firms to provide Solicitor Services to the District for the fiscal year beginning July 1, 2022. The term of the contract will be two (2) years and will automatically renew for two-year terms unless terminated by the District six (6) months prior to the renewal date of July 1, 2024.

Proposals will be received by David Tosh, Superintendent, Wyoming Valley West School District, 450 North Maple Avenue, Kingston, PA 18704 until May 31, 2022.

Proposals should clearly indicate “**LEGAL SERVICES REQUEST FOR PROPOSAL**” on the outside envelope. Faxed or e-mailed proposals will not be accepted.

No proposal may be withdrawn before ninety (90) days after the date of opening proposals. Tentative plans call for Wyoming Valley West School District review of proposals and recommendations to the Board of Education to take action to award a contract at its voting meeting on June 15, 2022.

The Wyoming Valley West School District reserves the right to reject any and all proposals and to waive, at its discretion, any irregularities, mistakes, omissions, or informalities relative thereto.

Questions on the Request for Proposal for Legal Services and specifications may be addressed by contacting David Tosh, Superintendent, at (570) 288-6551.

## Specifications of Proposal

### 1. Qualifications

The following are preferred minimum requirements:

- Member in good standing of the Bar Association of the Commonwealth of Pennsylvania.
- Member in good standing of the Middle District of Pennsylvania.
- Must have experience with Federal and State Education laws and have a minimum of ten (10) years working with or for Pennsylvania school districts in all areas of service required herein.
- Ability to provide same day response.
- Assignment of a lead attorney with appropriate educational law experience.
- Support staff with legal knowledge and capabilities to support attorney(s) in representation of the School District.
- Technological resources to carry out legal research and document preparation.
- Standard operating procedures and data security measures to protect integrity of School District files.
- Must have no conflict of interest in representing the Wyoming Valley School District

### 2. Scope of Services

The selection process will include an assessment of the firm's experience, expertise and ability to address the following areas. Please indicate with an affirmative statement your firm's experience and expertise and whether special counsel may be required to address any areas. The list below is representative but not exhaustive of the scope of services or areas of need in serving a public school district.

#### A) General Education Law and Operations

- School Code and all related state and federal statutes and regulations affecting school districts
- Student discipline, expulsion, and other student matters
- Religion in public schools
- Free speech and other state and federal constitutional law issues
- Americans with Disabilities Act and other state and federal law relating to discrimination and accommodations in public schools
- School finance, taxes, and tax collection systems
- Act 1 of 2006
- School construction projects, including PLANCON
- Sunshine Law
- Right-to-Know Law
- Ethics Act

- Intergovernmental cooperation
- General contract, bidding, and procurement issues
- Litigation including general, construction, student, tax litigation and tax assessment appeals
- Title IX
- Legal requirements pertaining to the issuance of debt obligations and other

B) Labor and Employment Law

- School Code and all related state and federal statutes and regulations affecting school districts
- Employment and personnel matters
- Employment contracts
- Labor arbitrations, negotiations and related labor law issues
- Free speech and other state and federal constitutional law issues
- Americans with Disabilities Act and other state and federal law relating to discrimination and accommodations in public schools
- Sunshine Law
- Right-to-Know Law
- Ethics Act

**3. Submittal Requirements**

Legal firms responding to this Request for Proposal (RFP) must prepare their responses in bound format with section dividers arranged and numbered to correspond to the sections below. Failure to do so could result in the proposal not being considered.

**1. Information about the firm**

Name of firm

Mailing Address

Telephone and Fax Numbers

Email Address

Name and Title of Contact Person(s) – this should include the individual(s) who will be authorized to make representations on behalf of the firm

Names of all Officers in your firm

**2. Statement of Work**

A brief statement of understanding of the work to be done and a positive commitment to perform the work within a specified time period.

**3. Overview**

Please provide a brief overview of your firm including the size and structure of the firm and the number of years the firm has been providing legal services for public

schools in Pennsylvania. Please provide brief curricula vitae of the partners of the firm that will regularly interact with the School District.

#### **4. Staffing**

A listing of the individuals who will be assigned to service our account, which should include experience level, qualifications of the individual and a short resume.

#### **5. Insurance**

The selected provider shall be required to furnish proof of the following insurance coverage within ten (10) days of receipt of notice of selection. Any and all exceptions must be approved by the District. Insurance coverage shall remain in full force for the duration of the Contract term including any and all extensions of renewal thereof. Each insurance certificate shall contain a thirty (30) day notice of cancellation. All renewal certificates shall be furnished at least thirty (30) days prior to policy expiration:

- Commercial General Liability, including Contractual Liability Insurance, with limits not less than \$1,000,000 per occurrence, \$2,000,000 aggregate. All, if any, deductibles are the sole responsibility of the selected Provider to pay and/or indemnify.
- Workers' Compensation Insurance shall be in accordance with Pennsylvania General Statutes.
- Professional Liability Insurance including errors and omissions with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. Any changes to the legal firm's policy or carrier from year to year will include "Full Prior Acts" coverage.

The Wyoming Valley West School District shall be included as an Additional Insured, ATIMA under the Commercial General Liability and Employer's Liability Insurance policies. THE WORDING MUST BE SHOWN IN THE SPACE PROVIDED FOR "COMMENTS" ON THE INSURANCE CERTIFICATE. (Additional insured requirement is expressly waived for Workers' Compensation and Professional Liability coverage.)

Each insurance coverage named above shall provide not less than a thirty (30) day notice of cancellation to the School District. All policies shall be on the occurrence form. Any and all exceptions shall be reviewed by the Superintendent

It is further agreed that the amount of insurance required herein does not, in any way limit the liability of the legal firm by virtue of its promise to hold the School District harmless so that in the event that any claims result in a settlement or judgment in any amount above the limits set in Section 6 Insurance herein, the legal firm shall be

liable to, or for the benefit of, the School District for the excess.

Insurance requirements and coverage may be reviewed from time to time during the term of this Contract and all extensions and renewals hereof. The legal firm agrees to comply with any and all reasonable insurance requirements or modifications made by the School District Superintendent

Cancellation or other termination of insurance policies required by this Contract without immediate replacement thereof may be considered a default in the terms and conditions of the Contract. The legal firm agrees that such default may be cured by procurement of insurance on behalf of the legal firm, at the legal firm's expense at the School District's option.

**6. Provide an overview of the firm, addressing the following:**

- Legal service philosophy/guiding principles
- Unique accomplishment/examples of excellence
- Proactive service provided

**7. Provide a statement addressing the firm's responsiveness and indicate availability for Board Meetings.**

Work Sessions are typically held on the first Wednesday of each month. Voting Board Meetings are typically held on the second Wednesday of each month.

**8. Provide a list of strengths and/or unique qualifications your firm possesses which would benefit the Wyoming Valley West School District.**

**9. Budget/Fee Proposal**

Complete and submit a detailed itemized fee schedule and expected schedule of payments to perform all services. Responding firms must provide the following:

- a) a single hourly rate for all partners and a separate single hourly rate for all associates
- b) an hourly rate for clerical, paralegal or other professional; and
- c) a schedule of all out-of-pocket disbursements anticipated to result in a charge to the School District, and the rate for each.

Note that the School District expects that these reimbursable charges will be charged at the firm's actual cost without additional mark-up.

The School District is soliciting for two separate services. The first service is for all solicitor services except that of special education. The second is for solicitor services ONLY for special education. Separate rates shall be used when completing Exhibit A.

The School District is exempt from payment of excise taxes, transportation and sales taxes imposed by the Federal Government and/or Commonwealth of Pennsylvania. Such taxes must not be included.

**Exhibit A must be completed and returned as part of the proposal.**

#### **4. Evaluation of the Proposal**

The following criteria will be used, without limitation, in evaluating proposals and determining the most responsive legal firm.

- The firm has no conflict of interest with regard to any work performed by the firm for the Wyoming Valley West School District
- The firm adheres to the instructions in this RFP on preparing and submitting the proposal.
- The legal firm's technical understanding of the scope of services and proposed professional services as evidenced by the proposal submitted.
- The background and experience of the legal firm in providing similar services as well as specific background, education, and relevant experience of key personnel to be assigned to the Contract.
- Location of the firm's office.
- Proposed fees and costs, although the School District is not bound to select the legal firm who proposes the lowest fees. The School District reserves the right to negotiate fee with the selected legal firm.
- Information obtained by the School District from the firm's reference or other clients.
- Best interest of the School District

Proposals in response to the RFP will be reviewed against the criteria above. The School District intends to strongly consider the legal firm's school district experience and certifications when evaluating all proposals.

#### **5. Selection Procedures**

- The School District intends to enter into a contract with the most responsible responsive legal firm whose proposal is determined to be in the best interest of the School District.
- The School District reserves the right to reject any or all proposals or part thereof for any reason, to negotiate changes to proposal terms, to waive minor inconsistencies with the RFP, and to negotiate a contract with the successful legal firm.
- The School District will initially review all proposals to determine responsiveness. Any proposal that does not address all requested requirements or is incomplete will not be considered.
- During the evaluation process, the School District may, at its discretion, request any one or all firms to make oral presentations. Such presentations will provide the firm with an opportunity to answer questions the School District may have on a firm's proposal. Not all firms may be asked to make such an oral presentation.
- Respondents are advised that the School District reserves the right to award this contract

solely on the basis of the submitted proposals.

6. **Additional Information**

- The School District will not be liable for any cost incurred in the preparation of proposals.
- The submission of a proposal shall be prima facie evidence that the firm submitting the proposal has full knowledge of the scope, nature, quantity, and quality of work to be performed; the detailed requirements of the specifications; and the conditions under which the work is to be performed.
- The firm submitting the proposal shall furnish the School District such additional information as the School District may reasonably require.
- The School District reserves the right to conduct interviews of any or all firms submitting proposals prior to selection. The School District will not be liable for any costs incurred by the firm in connection with such interview (i.e., travel, reproduction costs, etc.).

Please provide **five (5)** original bound booklets and **one (1)** unbound booklet consisting of the data above, on or before May 31, 2022 to:

David Tosh  
Superintendent  
Wyoming Valley West School District  
450 N Maple Avenue  
Kingston PA 18704

**WYOMING VALLEY WEST SCHOOL DISTRICT**  
**450 N Maple Ave**  
**Kingston, PA 18704**

**Request for Proposal for Legal Services For fiscal years**  
**2022-23, 2023-24**

**(Return this form as the Cover Page of your Proposal)**

Name of Firm \_\_\_\_\_  
Address \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_  
Website Address \_\_\_\_\_

FIRST, the undersigned have carefully examined the Request for Proposal for Legal Services in accordance with the specifications of the proposal and agree to furnish and perform the specified legal services for the Wyoming Valley West School District within the time limits specified for the amounts indicated below.

SECOND, the following quotation prices are listed as firm for a period of ninety (90) days after the due date of this Request for Proposal.

THIRD, the legal firm will supply time records and service descriptions to validate any invoiced charges.

FOURTH, the legal firm agrees to provide services for the amounts quoted as follows for this proposal:

**All legal services:**

Attorney rate	\$ _____
Paralegal rate	\$ _____
Legal Assistant rate	\$ _____
Other rate _____	\$ _____



**Special Education legal services only:**

Attorney rate \$ \_\_\_\_\_  
Paralegal rate \$ \_\_\_\_\_  
Legal Assistant rate \$ \_\_\_\_\_  
Other rate \_\_\_\_\_ \$ \_\_\_\_\_

FIFTH, the legal firm's other costs will be as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Name (printed) \_\_\_\_\_

Date: \_\_\_\_\_

Title or Office: \_\_\_\_\_

**WYOMING VALLEY WEST SCHOOL DISTRICT**

**450 N Maple Ave**

**Kingston, PA 18704**

**(570) 288-6551**

<https://www.wvwsd.org/district>

TO: All Vendors  
FROM: Superintendent  
RE: Affirmative Action

The Wyoming Valley West School District is an Equal Opportunity Employer. The Board of Education has made it a matter of policy that it will not transact business with firms which are not in compliance with all Federal and State Statutes and Executive Orders pertaining to non-discrimination.

In order to have your firm listed on our acceptable vendors list and thereby be eligible for consideration as a source for goods and services, please complete and return the following Statement of Policy to us.

STATEMENT OF POLICY

It is the employment policy of \_\_\_\_\_ that there shall be no discrimination against anyone on the grounds of race, creed, national origin, sex or age in the hiring, upgrading, demotions, recruitment, termination and selections for training.

In addition, this firm is in full compliance with the letter and intent of the various Equal Employment Opportunities and Civil Rights Statutes noted above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed (Name/Title of Company Officer)

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/State/Zip Code