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Request for Proposal for Legal Services Hamilton Southeastern Schools

1. **Purpose.** This request for proposal (RFP) is to contract for legal services to be provided to the Board of School Trustees for the Hamilton Southeastern Schools (HSES).
2. **Who May Respond.** Attorneys currently licensed to practice law in Indiana, or law firms including such attorneys, may respond to this RFP.

3. Instructions on Proposal Submission.

- a. Closing Submission: **January 27, 2023, 4:30 P.M.**
- b. Inquiries. Inquiries concerning this RFP should be directed in writing to:
 - i. Dawn Lang: dlang@hse.k12.in.us
 - ii. Sarah Donsbach: sdonsbach@hse.k12.in.us
- c. It is important that the proposals submitted in person be submitted in a sealed envelope clearly marked with the following information:

Request for Proposal
January 27, 2023, at 4:30 P.M.
Sealed Proposal for Legal Services

Delivered to:
Hamilton Southeastern Schools Board of School Trustees
Administration Building
13485 Cumberland Road
Fishers, IN 46038

Proposals submitted electronically shall contain the subject line "Proposal for Legal Services" and must be received by January 27, 2023, at 4:30 P.M.

Electronically submitted to:

- i. Dawn Lang: dlang@hse.k12.in.us
- ii. Sarah Donsbach: sdonsbach@hse.k12.in.us

It is the responsibility of the Proposer to ensure that the proposal is received by HSES, by the date and manner specified above. Late proposals will not be considered.

- d. Right to Reject. HSES reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
 - e. Notification of Award. It is expected that a decision selecting the successful proposal will be made within four (4) weeks of the closing date. Upon conclusion of final negotiations regarding the successful proposal, all other Proposers will be informed, in writing of the name of the successful Proposer. It is expected that the contract shall be approved annually.
4. **Description of Entity**. HSES is a public education institution that serves preschool through twelfth grade students. HSES, which is located in Fishers, Indiana, is the fourth largest district in the State of Indiana, serving 21,000+ students in Fall Creek and Delaware Township in Fishers, Indiana and in Wayne Township in Noblesville, Indiana. The Board of School Trustees consists of a seven (7) member board that meets at least monthly.
5. **Scope of Services**. The Proposer shall be readily available to perform the following legal services, as requested by the Superintendent or their designees and/or the Board of School Trustees:
- a. Advise on individual labor and employment matters
 - b. Review and/or draft Board Resolutions, Interlocal and Interagency Agreements, and contracts, where requested
 - c. Be available to meet with corporation personnel, where requested
 - d. Advise the Board and Superintendent of changes in State and Federal law and regulations, as well as Court decisions, which will impact the corporation
 - e. Review personnel, fiscal, and other policies, as well as agency policies
 - f. Advise on Human Resource policies and/or procedures
 - g. Advise on student discipline matters, including suspensions, expulsions, and defense against actions seeking restraining orders

- h. Advise on legal issues pertaining to special education including 504/ADA/IDEA/Article 7 compliance and IEP development
- i. Assistance in preparing for difficult IEP meetings, mediation, and due process claims
- j. Advise on legal issues pertaining to discussion and collective bargaining. Participate with the district bargaining team in the collective bargaining process
- k. Advise on responses to subpoenas, court orders, and requests for information including freedom of information act requests
- l. Defend lawsuits, administrative claims, or other legal claims
- m. Conduct litigation as necessary, however, attorney or firm must be approved to represent the district by the liability insurance provider, where required
- n. Serve as local bond counsel to ensure advertisements are submitted in compliance with bond timeline, consult with bond issuance team, serve as liaison with the Hamilton County Clerk for matters involving petition remonstrance and/or referendum
- o. Monitor legislative matters and provide timely updates and information when the Indiana House and Senate are in session.
- p. Attend Regular Board Meetings, Work Sessions and/or Board Executive Meetings at the request of the Board and/or the Superintendent.

Although it is preferable for an attorney or firm to submit a proposal covering all of the areas, HSES will consider proposals emphasizing expertise in a subset of these areas.

Proposal Contents. The Proposer, in its proposal shall, as a minimum, include the following:

1. Legal Experience. The Proposer should describe its experience related to the areas outlined in the score of services above. There is a particular interest in the following topic areas: employment law and labor management, special education, collective bargaining, and student issues. Additionally, if applicable, provide a description of any experience advising other educational organizations.
2. Organization, Size, Structure, and Area of Practice. The Proposer should describe its organization in terms of the following:
 - a. Size
 - b. Structure
 - c. Areas of practice
 - d. Office location(s)

Please include a copy of the Equal Opportunity/Affirmative Action/Non-Discrimination Policy, if available.

3. Attorney Qualifications. The Proposal should separately attach a description of the qualification of attorneys to be assigned representation. Descriptions should include:
 - a. Professional and educational background of each attorney
 - b. Overall supervision to be exercised
 - c. Prior experiences of the individual attorneys with respect to the required experiences listed above. Include resumes only of the attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.
4. Conflict of Interest Disclosure. The Proposal should identify if the firm or attorney is currently the legal counsel representing a party against HSES and provide a list of all cases in the previous three (3) years where the firm or attorney has represented a party against HSES. The list should include litigation and administrative proceedings.
5. Price. The Proposer's proposed price should include information on the hourly billing rate 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 advise HSES on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. HSES reserves the right to negotiate with the Proposer on the structure of the billing and/or retainer fee.

Proposed Evaluation

1. Submission of Proposals. All proposals shall include (1) original.
2. Evaluation Procedures and Criteria. The Board of School Trustees will review and discuss submitted proposals at a public meeting scheduled for February 1, 2023. The Board of School Trustees will hold an additional public meeting on February 6, 2023, with selected qualified Proposers prior to final selection. Final Selection will happen by a majority vote of all members present during a public meeting of the Board. Proposals will be reviewed in accordance with the following criteria:
 - a. Proposed approach to scope of work
 - b. Level of experience of the individual(s) identified to work on this matter

- c. The Proposer's experience with similar clients and legal matters
 - d. Cost
 - e. Interviews of selected proposers.
3. Required Format for Proposals. All proposals must follow the required format. Failure to follow the required format may result in disqualification of a proposal:
- a. Page Limit: 12, including cover page
 - b. Attorney Qualifications section should be attached and is not included in page limit
 - c. Page size: 8 ½ by 11; portrait
 - d. Font size: 12
4. Proposal Timeline. During the period from your organization's receipt of this RFP and until the contract is awarded, your organization shall not contact any employee from HSES for additional information except in writing directed to all listed below:
- i. Dawn Lang: dlang@hse.k12.in.us
 - ii. Sarah Donsbach: sdonsbach@hse.k12.in.us
5. Questions. Questions for the purpose of clarifying the RFP must be submitted by email and must be received no later than January 25, 2023. Questions must be emailed to Dawn Lang (dlang@hse.k12.in.us) and Sarah Donsbach (sdonsbach@hse.k12.in.us). Please note that submission of questions for response do not in any way enhance or guarantee the chance of a contract through the proposal.

General Information

1. Contract Award. HSES reserves the right to award the contract in a manner deemed in the best interests of HSES.
2. Stability of Proposed Prices. Any price offerings from Proposers must be valid for a period of 30 days from the due date of the proposals.
3. Amendment or Cancellation of the RFP. HSES reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interest of HSES.
4. Proposal Modifications. No additions or changes to any proposal will be allowed after the proposal due date, unless such a modification is specifically requested by HSES. HSES, at its option, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.

5. Proposer Presentation of Supporting Evidence. Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that HSES deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.
6. Proposer Demonstration of Proposed Services and/or Products. Proposers must be able to confirm their ability to provide all proposed services.
7. Erroneous Awards. HSES 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 HSES because the initial Proposer will be deemed voided as if no contract were ever in place.
8. Ownership of Proposals. All proposals shall become the property of HSES and will not be returned.
9. Ownership of Subsequent Product. Any product, whether acceptable or unacceptable, developed under the contract awarded as a result of this RFP shall be the sole property of HSES unless otherwise stated as a contract.
10. Oral Agreement on the Arrangements. Any alleged oral agreements or arrangements made by Proposers with HSES will be disregarded in any evaluation or associated award.
11. 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. HSES will pursue negotiations with the highest scoring proposal. If for some reason, HSES and the Initial Proposer fail to reach consensus on the issues relative to a contract, then HSES may commence contract negotiations with the other Proposers. HSES may decide at any time to start the RFP process again. The selected Proposer will be required to sign a formal contract.
12. Subcontractors. Subcontractors are not permitted. The proposal is written to allow attorneys or firms to submit a proposal based on their own expertise.