



DELAWARE COUNTY INTERMEDIATE UNIT (DCIU) REQUEST FOR PROPOSALS (RFP)
for
Legal Services for Facilities and Construction Projects

1. INTENT AND BACKGROUND

The Delaware County Intermediate Unit (DCIU) is soliciting proposals from qualified licensed law firms to represent the DCIU in its construction and facilities projects for legal matters and potential litigation. The DCIU anticipates entering into an agreement with the selected law firm beginning on or about May 3, 2023, and renewing annually with the Board of School Directors after the initial agreement (see section 4, Timeframe).

The Delaware County Intermediate Unit (DCIU) is a regional education services agency, one of 29 Intermediate Units in the state that were established in 1971 by the Pennsylvania General Assembly. At that time, Intermediate Units were charged with creating and providing a broad program of educational services to be offered to public and nonpublic schools. They were to act as instruments of federal, state, and local education policies and were envisioned as being able to achieve economies of scale in the provision of these wide-ranging services. Over the past fifty years, DCIU grew to meet Delaware County’s needs by providing services best offered on a regional basis, such as: professional learning opportunities, curriculum development; technology leadership and supports; career and technical education; teaching and learning; educational planning; instructional practices, pupil personnel services; special education; cooperative administration projects; leadership development, supports for staffing, and statewide programs and services.

For over 50 years, DCIU has been providing leadership for the development and implementation of such innovative and cost-effective programs and services to meet the needs of the county school communities and beyond. To this end, DCIU is embarking on several facilities and construction projects to ensure we continue to meet the needs of our stakeholders. Current construction projects include the renovations, additions, and new construction to the facility at Folcroft Campus to provide a combined facility that will house Special Education Programs, Career and Technical Education, and Early Childhood Programs. This building project will also include improved security systems; improvement and expansion of meeting facilities; technology upgrades; and building system upgrades. A second potential project is traffic improvements at the intersection adjacent to the Folcroft Campus. Below is a projected overview of these projects.

Project One Name: Renovations and Additions to the Folcroft Education Center

Project Type: Major Renovation/Additions, including Site Development

Estimated Size:

<i>New Parking Structure</i>	89,248	sf
<i>New Program Space</i>	44,624	sf
<i>Existing Building Renovations</i>	105,716	sf
<i>New Areas on Existing Building</i>	84,413	sf
<i>Total Building Area</i>	324,001	sq

Phase I Construction – Parking garage/program space - \$17,582,486.50

Phase II Construction – Renovation of existing space and construction of new additions - \$61,411,764.13

Project Schedule:

- Pre-Construction: April 2021 - March 2023
- Bidding Phase I: April/May 2023
- Construction Phase I: July/August 2023 - February 2024
- Bidding Phase II: July/August 2023
- Construction Phase II: October/November 2023 -August 2025

Project Two Name: Traffic Improvements

Project Type: Review of traffic pattern at intersection adjacent to Folcroft Education Center

Description: Determine best solutions to improve traffic patterns and develop plan of action.

Construction Timeline: To be determined.

2. QUALIFICATION REQUIREMENTS

The law firm and such other attorneys retained by the DCIU as their solicitors for construction and facilities projects shall meet or exceed the following minimum qualifications:

- a. The attorneys and firm retained must be properly licensed to practice law in the Commonwealth of Pennsylvania.
- b. Any attorney performing services for the DCIU must be admitted to practice in all of the relevant state courts and administrative agencies of the Commonwealth of Pennsylvania. The firm must also have an attorney admitted to the Federal District Court for the Eastern District of Pennsylvania.
- c. The lead attorney must have practiced law for a minimum of ten (10) years; but this provision shall not be construed as prohibiting other attorneys of the firm from assigning work to any attorney in his/her firm who may have less than ten (10) years' experience as an attorney.
- d. Any attorney or firm performing services for the DCIU must have demonstrable experience in most, if not all, of the following areas of construction and public-school law:
 - i. Governance matters, including matters arising under the State Ethics Act, the Sunshine Act, the Public Records Act, Intergovernmental Cooperation Act, Local Government Unit Debt Act, the governance provisions of School Code.
 - ii. Insurance issues including risk management.
 - iii. School construction projects and proven success in advocacy and developing and leading strategies to address issues that may arise during the course of a construction project.
 - iv. School related debt, investments and bond counsel.
 - v. Contracting, bidding and procurement issues.
 - vi. Compliance with applicable federal and state educational statutes.
 - vii. Experience working with School Board of Directors.

3. SCOPE OF SERVICES

A. Selection and Appointment of Legal Counsel

- a. The DCIU solicitor may be a firm or individual practitioner.
- b. Prior to engagement, prospective legal counsel will be required to provide documentation of credentials, including:
 - i. expertise in the area for which engaged.
 - ii. unique accomplishments/examples of excellence.
 - iii. positions of leadership in the field of construction law pertaining to construction and facilities projects.
 - iv. resumes of attorneys expected to provide services to the DCIU.
 - v. a list of current school districts and clients being served and the primary contact for each client.
 - vi. other relevant information; and
 - vii. the proposed engagement letter or contract.
- c. The primary criteria in selecting legal counsel will be the provision of the highest quality and most cost-effective services. In determining the provision of the highest quality services, the Board will focus on documentation of credentials provided by prospective legal counsel. As a result, attorney firms should highlight key issues, strengths, and priorities from their perspective. Further, what information should the DCIU be aware of that it may not know now?
- d. In determining the provision of cost-effective services, the Board will focus on:
 - i. reasonableness of total fee charged in relation to services rendered and results produced;
 - ii. efforts or procedures to minimize overall costs by providing proactive or preventive services;
 - iii. recommending procedures that reduce attorney or administrator time spent on legal matters, use of paralegals where appropriate, collaboration with other attorneys in the same firm to avoid duplication of work and provide the best possible advice in the most efficient manner and spreading costs on common

issues among multiple clients.

B. Services to be Provided

The services that the DCIU may require of a solicitor or other attorney retained by the DCIU may include the following:

- a. Attending public school board meetings.
- b. Attending executive sessions.
- c. Issuing opinion letters.
- d. Preparing contracts, requests for proposals, or invitations to bid.
- e. Preparing legal notices.
- f. Providing legal advice and recommendations with respect to any issues dealing with construction and facilities matters, liability, construction, debt issuance, litigation, contracts, civil rights, and applicable laws, regulations and ordinances;
- g. Working and cooperating with other legal counsel that may be retained by the DCIU;
- h. Working and cooperating with other professionals retained by the DCIU;
- i. Negotiating contracts or agreements.
- j. Providing periodic advisory communications on school law matters relating to construction and facilities management.
- k. Performing such other services that may be requested from time-to-time by the DCIU;
- l. Representation at meeting and before the Board on construction and facilities law matters.

If the firm is unable to provide service in an area identified above, state how the firm would provide consultative service from a secondary source.

4. TIMEFRAME

The successful legal firm will be expected to commence the provision of services on or about May 3, 2023, and the term of the resultant of initial contract will be for two (2) years. However, the DCIU reserves the right to terminate the engagement at any time, without cause, with sixty (60) days prior notice. Annual renewal after the two-year contract will be at the sole discretion of the DCIU Board of Directors.

5. PROPOSALS

Submission and Deadline

All proposals must be e-mailed to Mr. Edward Norris, Chief Financial and Operations Officer at enorris@dciu.org. Questions regarding this RFP may be directed to Mr. Edward Norris, Chief Financial and Operations Officer, by e-mail at enorris@dciu.org by **March 6, 2023, at 4:00pm. Proposals are **due no later than March 20, 2023 at 4:00 pm**. Interviews of selected firms will be conducted the week of April 1, 2023. Board action to accept the successful firm is expected to occur on or before May 3, 2023.**

All firms who are furnished with a copy of this RFP, but who decide not to offer a Proposal to the DCIU, are asked to submit a negative reply. Specific comments and observations are encouraged.

Submittal Letter

Respondents shall submit a cover letter, addressed to the Chief Financial and Operations Officer, signed by an authorized principal or agent of the law firm, which provides an overview of the respondent's offer, as well as the name, title, and phone number of the person to whom the DCIU may direct questions concerning the proposal. The letter should also include a statement by the respondent accepting all terms and conditions contained in this RFP, signed by an officer or other individual with authority to bind the firm.

Experience

Respondents are to provide a summary of the firm's experience on similar types and sizes of engagements with emphasis on construction and facilities projects and those projects for school districts or intermediate units in the

Commonwealth of Pennsylvania, and details on experience with public sector construction law. This summary must include your firm's experience in the areas of services described in Section 2, Qualification Requirements, provide detailed resumes of persons proposed to work directly with the DCIU and indicate the level of responsibility of each person (professional staff only). Resumes are to include educational qualifications and previous work assignments that relate to this RFP. The primary attorney and the attorney who would normally attend the monthly Board of Directors' meetings and executive sessions are required to be named.

References

Legal firms must have a minimum of seven (7) years' experience in the area of law specified in the Scope of Services. A minimum of three (3) client references, preferably one from a school client, which encompass the Qualification Requirements and Scope of Services outlined in this RFP, should be submitted. The client references must include the name of the organization, address, telephone number, individual contact person, contact person e-mail address, the dates services were performed, and a description of the services provided.

Budget/Fee Proposal

THE DCIU expects to retain the successful individual/firm on an hourly, as-needed basis.

All respondents are required to complete and submit a detailed itemized fee schedule and expected schedule of payment to perform all services. Suggested fee schedules could include blended hourly rates, straight hourly rates, retainers, flat fees, etc. Explain how the suggested fees schedules are the most cost-effective way to serve the DCIU. Each response may include the following for each year of the contract:

- A single hourly rate for all partners and a separate single hourly rate for all associates;
- An hourly rate for clerical, paralegal or other professional; and
- A schedule of all out-of-pocket disbursements which you anticipate will result in a charge to the DCIU, and the rate for each. Note that the DCIU expects that these reimbursable charges will be charged at the firm's actual cost, without additional mark-up.

The DCIU 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. List any expected changes to the fee proposal in the next two (2) years.

The successful respondent must alert the DCIU to fee schedule changes no later than December 31st of each year to become effective the following July 1st.

Form of Contract

The DCIU intends to enter into an agreement contract with the most responsible respondent whose proposal is determined to be in the best interest of the DCIU. The form of contract for any award made as a result of this proposal will be a DCIU purchase order, referencing this RFP, which shall be considered as part of this contract. The amount will be based on the fees shown in this proposal, as modified if necessary, during negotiations. If your firm requires the DCIU to sign an additional or separate contract, a copy of the proposed contract must be included with the proposal. In the event of a discrepancy between the firm's proposed contract and this RFP, the terms of this RFP shall govern.

6. EVALUATION AND AWARD

The following criteria will be used, without limitation and in no particular order of importance, in evaluating proposals and determining the most responsive legal firm.

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, qualifications and relevant experience of key personnel to be assigned to this contract.

Location of Firm's office.

Proposed fees and costs, although the DCIU is not bound to select the legal firm who proposes the lowest fees. The DCIU reserves the right to negotiate fees with the selected legal firm.

Information obtained by the DCIU from firm's references or other clients.

And, the best interests of the DCIU.

Proposals in response to this RFP will be reviewed against the criteria listed above.

Selection Procedures

The DCIU intends to enter into an agreement with the most responsible and responsive legal firm whose proposal is determined to be in the best interest of the DCIU.

All costs associated with responding to this RFP are the responsibility of the submitting individual/firm.

The DCIU 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 DCIU will evaluate all responsive and responsible proposals based on the criteria as referenced above. The DCIU may afford firms the opportunity to clarify proposals for the purpose of assuring a full understanding of their responsiveness to the RFP.

The DCIU may conduct an interview of the legal firms it judges to be the most qualified to perform the services required, based upon the criteria in this RFP. If so, legal firms will be notified in advance of the proposed interview date. Interviews will be conducted in person and are expected to occur during the week of April 3, 2023 and/or April 10, 2023. Respondents are advised that the DCIU reserves the right to award this contract solely on the basis of the submitted proposals.

Legal Fees and Other Charges

Fees and other charges shall be as set forth in any engagement letter or agreement approved by the DCIU Board of Directors.

Except for bond issues, other financing transactions, and other matters as specifically agreed upon, legal counsel will render monthly bills for services and costs. Periodic bills should:

- clearly identify each attorney or non-attorney (timekeeper) performing the services for each entry;
- indicate the amount of time expended by each timekeeper (broken down by task if working on more than one matter);
- provide sufficient detail to readily allow the DCIU to determine the necessity for and reasonableness of the time expended and the services performed;
- in summary form, indicate the current hourly rate of each timekeeper, the total time billed by each timekeeper, the product of the total time and hourly rate for each time keeper, and the total fee charged; and
- provide a separate section detailing the expenses associated with the legal services and billed to the DCIU.

As described earlier, legal counsel shall provide prior notice of increases in hourly rates of timekeepers expected to perform work for the DCIU.

7. GENERAL REQUIREMENTS AND CONDITIONS

Insurance

Proof of legal malpractice insurance required.

Hold Harmless Agreement

In addition to its obligation to provide proof of malpractice insurance as specified above, the legal firm, their consultants, agents and assigns shall indemnify and hold harmless the DCIU Board of Directors and administration, including but not limited to, its elected officials, its officers, and agents from any and all claims made against the DCIU, including but not limited to, damages, awards, costs and reasonable attorney fees, to the extent any such claim directly and approximately results from the wrongful, willful or negligent performance of services by the legal firm during the firm's performance of its Agreement. The DCIU agrees to give the legal firm prompt notice of any such claim and absent a conflict of interest, an opportunity to control the defense thereof.

8. CONFLICT OF INTEREST

Respondents shall provide a statement that no conflict of interest exists in rendering service to and in representing the DCIU Board of Directors. Or, if potential conflict exists, provide detailed descriptions of such conflicts.

9. PRINCIPALS/COLLUSION

By submission of a proposal, the legal firm does declare that the only person or persons interested in this proposal as principal or principals is/are named therein and that no other person other than therein mentioned has any interest in this proposal or contract to be entered into; that this proposal is made without connection with any person, company or parties making a proposal, and that it is in all respects fair and in good faith without collusion or fraud.

10. DISCIPLINARY ACTION

Respondents shall provide a statement that no attorney affiliated with respondent has been disciplined, within five years from the date of submission, by the Grievance Committees of the State or Federal Bar.

11. AFFIRMATIVE ACTION STATEMENT

As a condition of doing business with the DCIU, the legal firm must comply with all Federal laws, state statutes and executive orders pertaining to non-discrimination. All respondents, as part of their submission, must include a statement agreeing to uphold all legal obligations by enclosing an affirmative action statement of such.

12. ALTERNATIVES AND EXCEPTIONS

Only slight additions or changes would be expected to be negotiated with the successful legal firm in order to resolve any variances between the proposal and the final contract. Legal firm may submit alternate proposals or take exceptions to this RFP which deviates from the RFP. However, alternates and exceptions shall be clearly identified as such, and shall include a discussion of the purpose and benefits to such alternate/exception, and the DCIU is not bound to accept them if it determines that they are not in the best interest of the DCIU.

13. ADDITIONAL INFORMATION AND REVISION TO PROPOSALS

Information may be provided to potential respondents for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Prospective respondents shall be afforded fair and equal treatment with respect to access to additional information and revision of proposals.