



Ventura County Community College District

PURCHASING DEPARTMENT

February 4, 2020

#601- REQUEST FOR QUALIFICATIONS FOR LEGAL SERVICES

The Board of Trustees ("Board") for the Ventura County Community College District ("District") is inviting law firms to submit their qualifications to provide legal services to the District in the areas of employment law, collective bargaining, student services, construction, real estate, and general business law. The services requested are detailed in the enclosed Request for Qualifications. Copies may also be obtained in PDF format at <https://purchasing.vcccd.edu/> click "Current" / RFQ 601 Legal Services.

Responses shall be submitted pursuant to the instructions and guidelines in the enclosed Request for Qualifications packet. All responses must be signed by a person authorized to act on behalf of the firm and be delivered or mailed to Lisa Sorensen, Purchasing Specialist of Ventura County Community College District, # 601- Request for Qualifications for Legal Services, 761 E. Daily Drive, Suite 200, Camarillo, CA 93010. Submission must include five copies of responses and must be received no later than 5:00 p.m., Wednesday, March 4, 2020. Late submissions will be returned unopened.

Questions regarding #601- Request for Qualifications for Legal Services must be submitted in writing to Lisa Sorensen, Purchasing Specialist at lsorensen@vcccd.edu, no later than 5:00 PM, Wednesday, February 19, 2020. Questions will be answered via addenda by 3:00 p.m., Monday, February 24, 2020.

Respectfully,

Lisa Sorensen
Purchasing Specialist
805-652-5559



Ventura County Community College District

#601-Request for Qualifications for Legal Services

Issued: February 4, 2020

Responses due: 5:00 p.m. Wednesday, March 4, 2020

CONTENTS

- I. Background and Scope of Request for Qualifications
- II. General Information
- III. Scope of Services
- IV. Qualifications/Experience
- V. Information Required
- VI. Procedure for Submitting Questions and Responses
- VII. Certification of Non-Discrimination
- VIII. Non-Collusion Affidavit

I. BACKGROUND AND SCOPE OF REQUEST FOR QUALIFICATIONS (RFQ)

The Board of Trustees (“Board”) for the Ventura County Community College District (“District”) is seeking to retain qualified law firms to provide legal services to the District in the areas of general counsel, employment law, collective bargaining, student services, construction, real estate, and general business law. The District plans to select three to five firms to assist in these areas, subject to the District’s right to terminate such services at its discretion. The District reserves the right to retain other attorneys or special counsel as may be needed.

II. GENERAL INFORMATION

There are three colleges in the Ventura County Community College District: Moorpark College, Oxnard College, and Ventura College. The three colleges serve more than 31,000 students. The District employs approximately 431 full-time faculty, 819 part-time faculty, 491 classified employees, and 101 managers and supervisors. These employees are represented by two exclusive bargaining units. Full time and part-time faculty members are represented by the American Federation of Teachers (AFT). The classified employees are represented by Service Employees International Union (SEIU). The District is a merit system district.

III. SCOPE OF SERVICES REQUIRED

The scope of services is to provide the full range of legal services pertaining to a California Community College District. The Board may hire separate firms to provide each of the required service categories, or one or more firms to provide several major categories. The District reserves the right to retain other attorneys or special counsel as may be needed, in its sole judgment, to take charge of any litigation or legal matters to assist the District.

Selected firms may be required to attend regularly scheduled and special Board meetings.

IV. QUALIFICATIONS/EXPERIENCE

Provide your firm's qualifications and experience for general counsel, employment, collective bargaining, student services, construction and real estate, or general business law, delineated by the type of organizational entity served, particularly community college districts and merit system districts as well as non-educational public sector entities and private sector clients.

Legal services to be provided may include, but are not limited to, the categories listed below as specifically pertaining to California Community Colleges. As separate law firms may be selected to provide each specialized category and/or related subcategories, please describe the experience of your firm in each of the following areas in which you are interested in supporting the District.

General Counsel

- A. Brown Act and Parliamentary procedures
- B. Policies and Procedures of the Board of Trustees
- C. Give advice or opinion on the legality of matters under consideration by the Board of Trustees
- D. Advice regarding potential conflicts of interest
- E. Other matters as required by the Board of Trustees

Employment Law

- A. Claims and litigation
- B. Unlawful discrimination and harassment complaints
- C. Layoffs and reduction in hours
- D. Wrongful discharge
- E. Employee discipline and termination
- F. Personnel Commission regulations
- G. Grievances and labor arbitrations
- H. Family and Medical Leave Act
- I. Health and Welfare benefits
- J. Employer/employee relations
- K. Employment law
- L. Title V
- M. Faculty Tenure issues

Collective Bargaining

- A. Collective bargaining units, such as faculty, classified, etc., including experience as Chief Negotiator
- B. Contract management, mediation and arbitration
- C. Impasse, mediation, fact-finding, post fact-finding, strikes
- D. PERB unfair practice charges
- E. Types of unions the firm has dealt with
- F. Community college and/or school district budgeting and funding mechanisms and process
- G. Union organizing and elections
- H. Fringe benefits, health and welfare benefit premium compensation packages or caps

Student Services

- A. Title IX investigations and processes
- B. Title V related issues in student discipline, student grievances, questions about residence, free speech, immigration issues
- C. Advice regarding subpoena of student records
- D. Accessibility/ADA matters

Construction and Real Estate

- A. Project development and planning, facilities and new construction, capital outlay requirements, CEQA and environmental issues
- B. Construction litigation
- C. Familiarity with professional standards for architects, engineers, inspectors, program managers, construction managers and other allied consultants
- D. Familiarity with the Public Contract Code, Government Code, Labor Code, Education Code, Public Resources Code, and other regulatory requirements
- E. Experience with Citizens Oversight Committees
- F. Experience with pre-qualification of contractors and subcontractors, drafting of bidding and contract documents, analysis of bid and bid protests, subcontractor listing and substitutions
- G. Project labor agreements, prevailing wages, labor compliance programs
- H. Drafting, oversight and negotiation of professional service agreements, including insurance and indemnity provisions
- I. Experience with the California Division of State Architect (DSA) including operational knowledge and successful experiences in working with DSA

- J. Real Estate acquisitions/disposals, easements, leases and other contracts involving real property matters

General Business Law

- A. Plan, prepare, and approve resolutions, contracts, leases and other legal documents
- B. Give advice on the Public bidding process
- C. Interpretation of the Public Contract Code, Education Codes, and other applicable regulations
- D. Public Records Act
- E. Student Records
- F. Complex Agreements
- G. Litigation matters
- H. Administrative proceedings

V. INFORMATION REQUIRED

The response should contain information responsive to each of the following areas. Indirect, imprecise, or incomplete responses can serve only as a disadvantage to the proposer.

- A. Firm Organization
 - 1. State the legal status of the firm, i.e., general partnership, LLP, LLC, etc.
 - 2. How long has the firm been in existence and include a brief history of your firm
 - 3. Location of the firm's main office and, if applicable, all California offices. Location of the office that would service Ventura County Community College District
 - 4. Name, title, address, phone number, and email address of the person(s) authorized to make representations for the firm
 - 5. Size of the firm, including the total number of attorneys Include biography of counsel that would be assigned to Ventura County Community College District, including length of employment with your firm, years in practice, and specialization
 - 6. Include a current CPA certified, audited financial statement and/or annual report in the RFP response
 - 7. Provide details of litigation, arbitration or mediation pertaining to any error or omission claims filed by respondent or against respondent in the last five years

8. Prior or existing relationships with the District, employees or Board members
- B. Resources the firm would be willing to commit to the District.
1. Number of attorneys with experience in general counsel law working with community college districts, broken down by the partner and associate
 2. Number of attorneys with experience in employment matters working with community college districts, broken down by partner and associate
 3. Number of attorneys with experience in collective bargaining working with community college districts, broken down by partner and associate
 4. Number of attorneys with experience in student service related law working with community college districts, broken down by partner and associate
 5. Number of attorneys with experience in construction and real estate law working with community college districts, broken down by partner and associate
 6. Number of attorneys with experience in general business matters working with community college districts, broken down by partner and associate
 7. The priority the District would have as compared to the time demands of other clients, including response time to questions and requests for on-site meetings
 8. The level of attorney (i.e., senior partner, junior partner, senior associate, etc.) to be used on various aspects of District matters

C. Fees

Provide a detailed description of the firm's billing rate and practices.

Include the type and unit rates for reimbursement of expenses; for example, rate of mileage, reproduction of documents or word processing charges, telephone costs, etc.

Fee Schedule shall include how fees are charged (e.g., six-minute increments, quarter-hour increments, fixed fee, etc.)

Fee schedule rates are to be fixed for the first year. Provide proposed price increases, if any, for four additional years.

D. Other Services

Describe the firm's practices and fees, if any, related to the publication of newsletters, client alerts, and the providing of management seminars, etc.

E. References

Provide a minimum of three references of selected current and previous clients including educational institutions, with the name, address, telephone number, and email address of appropriate executives or attorneys who can be contacted for references on the firm.

F. Insurance Coverage

Describe generally the firm's legal malpractice coverage.

VI. **PROCEDURE FOR SUBMITTING QUESTIONS AND RESPONSES**

A. Questions Regarding the RFQ

- Questions must be submitted in writing to Lisa Sorensen, Purchasing Specialist, lsorensen@vccd.edu no later than 5:00 p.m., Wednesday, February 19, 2020.
- Responses to questions will be released no later than February 24, 2020.

Under no circumstances may the law firm contact administrators, members of the evaluation team, or any members of the Board of Trustees. If a relationship exists between firm and District, the firm may only discuss legal matters for which the firm is presently contracted. Failure to comply with this provision will deem the firm's proposal as non-responsive.

B. Time and Place for Submitting Responses

All responses must be signed by a person authorized to act on behalf of the firm, clearly marked #601 RFQ Legal Services on the envelope. No e-mail or fax responses will be accepted. Deliver or mail to Lisa Sorensen, Purchasing Specialist of Ventura County Community College District, 761 E. Daily Drive, Suite 200, Camarillo, CA 93010.

The responses must be received no later than **5:00 p.m. Wednesday, March 4, 2020**. Please submit five copies of the response.

E. Request for Qualifications Submittals

When proposals are opened, prices and other information will not be made public until the proposal is awarded. At that time, the executed contract and proposals will become public information. There shall be no disclosure of any firm's information to competing firms prior to the award of any contract pursuant to this RFQ.

D. Evaluation of Responses

During the evaluation, validation, and selection process, the District may request meetings or written clarification with one or more firms to ask for answers to questions. The District may require that a firm make presentations that are pertinent to the evaluation process.

All responses submitted in a timely manner will be analyzed and the District will select qualified law firms to which contracts will be awarded.

The District's selection will be based on its evaluation of which response will provide the package most beneficial to the District. The firms selected may not necessarily be those with the lowest fees.

The District will evaluate responses based on some of the following information:

- Firm's background, expertise, and experience with community colleges
- Qualifications of personnel providing legal services
- References of work done of a similar nature in community Colleges
- Fees

The District may request interview meetings with some law firms. Participation in the interviews will be at no cost to the District. The Board of Trustees will make the final determination of the successful firm(s).

All proposals shall be signed, with the signer's title and firm name indicated. A proposal by a corporation shall be signed by an authorized officer, employee, or agent with his or her title. All proposals submitted become the property of the District.

All information contained in the proposals submitted in response to this RFQ may be subject to the California Public Records Act. Any information deemed confidential or proprietary should be clearly identified as such. It may then be protected and treated with confidentiality only to the extent permitted by law.

E. Disclosures

The firms chosen will be the primary firms used by the District for their areas of specialization, although the District will reserve the right to contract with other firms for specialization where it deems other firms are necessary and appropriate.

F. Award or Rejection of Responses

The District reserves the right to reject any or all responses, to request additional information concerning any responses for purpose of clarification, to accept or negotiate any modification to any response, following the deadline for receipt of all responses, and to waive any irregularities, if such would serve the best interests of the District, as determined by the District. This solicitation does not obligate the District to enter into an agreement with any proposer. The District reserves the right to cancel this Request for Qualifications at any time, at its discretion.

Responses become the property of the District and information therein shall become public property to disclose after a Notice of Intent to Award. The District reserves the right to make use of any information of ideas contained in submitted responses.

The District is not liable for any costs or expense incurred in preparation of a response to this RFP.

G. Term of Contract

The successful law firms may be required to enter into a legal services agreement for multiple years.

H. Information

For information regarding these specifications, contact Lisa Sorensen at (805) 652-5559 or by E-mail at lsorensen@vccd.edu.

VII.

CERTIFICATION OF NON-DISCRIMINATION

TO BE EXECUTED BY FIRM AND SUBMITTED WITH PROPOSAL

The firm hereby certifies in performing work or providing services for the District, there shall be no discrimination in its hiring or employment practices because of age, sex, race, color, ancestry, national origin, religious creed, physical or mental disability, medical condition, marital status, or sexual orientation, except as provided for in Section 12940 of the California Government Code. Proposer shall comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment and Housing Act, beginning with Section 12900 of the California Government Code.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Non-Discrimination this _____ day of _____, 2020.

FIRM NAME _____
(Type or print complete legal name of firm)

BY _____
(Signature)

Name _____
(Type or print)

Title _____

VIII.
NON-COLLUSION AFFIDAVIT

In connection with the foregoing Proposal, the undersigned declares, states and certifies that:

1. The Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation.
2. The Proposal is genuine and not collusive or sham.
3. The law firm has not directly or indirectly induced or solicited any other firm to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any other law firm or anyone else to put in sham proposal, or to refrain from submitting a proposal.
4. The law firm has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price, or that of any other firm, or to fix any overhead, profit or cost element of the proposal price or that of any other firm, or to secure any advantage against the public body awarding the contract or of anyone interested in the proposed contract.
5. All statements contained in the Proposal and related documents are true.
6. The law firm has not, directly or indirectly, submitted his or her proposal or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any person, corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

I hereby acknowledge and agree to all specifications of the Ventura County Community College District proposal and will see that our company is responsible for all materials and services as specified.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct this _____ day of _____, 2020.

FIRM NAME _____
(Type or print complete legal name of firm)

BY _____
(Signature)

Name _____
(Type or print)

Title _____