



**REQUEST FOR
QUALIFICATIONS/PROPOSALS
for
COMMUNITY COLLEGE DISTRICT
LEAD COUNSEL LEGAL
SERVICES**

Date: September 21, 2022

Yosemite Community College District
Purchasing Department
2201 Blue Gum Avenue
Modesto, CA 95358

**REQUEST FOR QUALIFICATIONS/PROPOSALS (RFP) 23-1890
FOR
COMMUNITY COLLEGE DISTRICT
LEAD COUNSEL LEGAL SERVICES**

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NOTICE TO PROPOSERS

The Yosemite Community College District is presently accepting **Statement of Qualifications and Proposals for Community College District Lead Counsel Legal Services**, as more described herein, **until 4:00 P.M., October 19, 2022**. Any proposal received after the announced date for submittal will not be considered. It is the sole responsibility of Proposer to ensure that its proposal is stamped by Purchasing personnel before the deadline. Proposals received after the announced date for submittal will be returned unopened. However, nothing in this Request for Proposals (RFP) precludes the Colleges from requesting additional information at any time during the proposal evaluation. Any questions concerning the contents of this document should be e-mailed to Dorothy Pimentel at purchasing@yosemite.edu. Any changes and notices related to this solicitation will be emailed to those entities that received the RFP notification; as well, posted at the following Purchasing Department's website: https://www.yosemite.edu/purchasing/rfp_information_services. In the event this RFP is obtained through any means other than the District's direct distribution, the District will not be responsible for the completeness, accuracy, or timeliness of the final RFP document.

To facilitate the evaluation process, **one (1) complete electronic version on a flash drive, (1) original AND (8) additional copies of the Statement of Qualifications/Proposal shall be provided**. All Statements of Qualifications are preferred to be typed on 8½" x 11" paper, 12 point (or larger) Arial or Times New Roman font with 1" page margins on all sides. Mistakes may be crossed out and corrections made adjacent, however, each correction must be initialed by the person signing the Statement of Qualifications/Proposal.

Delivered Statements of Qualifications/Proposals shall be enclosed and sealed in an envelope or container clearly marked **RFP 23-1890, Community College District Lead Counsel Legal Services** and addressed to Yosemite Community College District, Attn: Purchasing Department. **Statements of Qualification may be delivered in one of the following methods:**

<p>Hand delivered to: Yosemite Community College District Attention: Purchasing Department 2201 Blue Gum Avenue Modesto, CA 95358</p>	<p>U.S. Postal Service, UPS, FedEx, or other common carrier delivered to: Yosemite Community College District Attention: Purchasing Department 2201 Blue Gum Avenue Modesto, CA 95358</p>
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EMAIL OR FAXED STATEMENTS OF QUALIFICATION/PROPOSAL WILL NOT BE ACCEPTED.

STATEMENTS OF QUALIFICATION/PROPOSAL DELIVERED TO OTHER THAN THE ABOVE STATED ADDRESS WILL BE REJECTED AND RETURNED TO THE PROPOSER UNOPENED. It is the Proposer's sole responsibility to ensure that his/her Statement of Qualification/Proposal is received at the proper place, at the proper time. Postmarks will not validate Statements of Qualifications/Proposals which arrive after the deadline date/time listed above. Any Statement of Qualification/Proposal received after the scheduled closing time for receipt of Statement of Qualifications/Proposal may be discarded without further consideration. Statements of Qualification/Proposal may be withdrawn by submitting a written request to purchasing@yosemite.edu prior to the scheduled closing time for receipt of Statements of Qualification/Proposal.

Proposers shall be bound to the pricing terms contained within their submitted Statements of Qualification/Proposal, which shall remain in effect as stated until at least five (5) years from date of signed agreement. Statements of Qualification/Proposal shall be signed by an authorized individual or officer of the firm submitting the Statement. If the Proposer is a corporation or limited liability company, the Statement of Qualification/Proposal shall be executed by either the chairman of the board, president, or vice president, the secretary, or the chief financial officer.

Section 1 – Request for Statement of Qualifications Overview

1.1 General Overview

The Yosemite Community College District (“District”) is a California community college district, and political subdivision of the State of California. The District) was created in 1964. The District includes two comprehensive, two -year colleges: Modesto Junior College founded in 1921, and Columbia College founded in 1967. The District includes all of two counties (Stanislaus and Tuolumne), parts of four others (Calaveras, Merced, San Joaquin, and Santa Clara), and stretches 170 miles across central California from the coastal range on the west to the Sierra Nevada’s on the east. The Colleges serve approximately 14,000 full-time equivalent students.

1.2 Purpose of Request for Qualifications

The District is seeking Statement of Qualifications/Proposals from law firms with significant experience and expertise in providing Lead Counsel legal services to public and private higher education institutions.

The District shall receive responses to this RFP and may conduct individual interviews in order to select firms, which in the opinion of the District, are best suited to perform Lead Counsel legal services for the District.

Proposer is hereby informed that this RFP is intended as an **informal solicitation of Statement of Qualifications/Proposal** only. It is not intended, nor is it to be construed as engaging in formal competitive bidding pursuant to any statute, ordinance, policy, or regulation.

1.3 Anticipated Statement of Qualification Review Dates

The following table identifies the estimated dates/time frame for receipt, evaluation, and notice of acceptance as a legal resource of District. Please note the following key dates when preparing your response to this RFQ.

Description	Date*
Release of RFQ	09/21/2022
Last day for Proposers to submit questions	10/05/2022
Last day for District to respond to questions	10/14/2022
STATEMENTS OF QUALIFICATIONS DUE	10/19/2022
Firm Interviews by District (<i>if any</i>)	11/14/2022
Notification of Selection as a Legal Resource for District	12/15/2022

* The above noted dates are subject to change without notice.

1.4 Statement of Qualification/Proposal Evaluation

The Statement of Qualification/Proposal review process used to select qualified law firms will be as follows:

- a. The District will review and evaluate all Statements of Qualification/Proposal received using the criteria below and will develop a resource pool of qualified firms for Lead Counsel Legal Services. Incomplete Statements of Qualification/Proposal may be rejected as non-responsive, and may result in being excluded from this legal resource pool.
- b. A District Evaluation Team *may* select firms for interviews. The Board of Trustees *may* request selected firms to make an oral/visual presentation in connection with the oral interview.

1.5 Evaluation Criteria

Proposers submitting Statements of Qualification/Proposal are advised that all responsive documents will be evaluated to determine each firm's ability to best meet the needs of the District. The District's evaluation will include, but is not limited to, a consideration of the following criteria:

- a. **Responsiveness.** Responsiveness of the Statement of Qualification/Proposal in clearly stating the firm's practice areas, services, and in meeting the requirements of the RFP for Lead Counsel.
- b. **Experience/Ability.** The extent of the firm's previous experience of the firm working with institutions of higher education, and specifically with community colleges, on legal matters including Human Resource legal practices. Such experience will also include assessment of the firm's outcomes for particular matters handled by the firm for higher education institutions.
- c. **Qualifications.** Qualifications of the firm, financial and otherwise, to provide the District with prompt, responsive Lead Counsel legal services, including appropriate support staffing; firm research and other resources; and demonstrated history of competence in handling legal affairs experienced by higher education institutions.
- d. **References.** Information obtained by the District from the firm's provided references and other clients.
- e. **Costs.** The firm's proposed legal fees for services provided, including detailed fee schedules for different classifications of attorneys, support staff, research and search tools, and a detailed explanation of billing practices (i.e. time billing increments). The District is a member of the Valley Insurance Program Joint Power Authority (VIPJPA). In addition to the proposed hourly rate fees, the District will consider alternative billing proposals submitted by law firms.

Section 2 – Scope of Work and Technical Specifications

The Lead Counsel serves as the District’s chief legal advisor and is responsible for oversight of assigned legal activities involving the District. Lead Counsel, though, may advise the Chancellor and Board of Trustees of potential legal problems.

The Lead Counsel provides legal services to the District, as authorized by the Chancellor, Board of Trustees, acting as a whole, Vice-Chancellors, College Presidents, the District’s Chief Human Resource Officer, and Risk Manager including legal advice, research, training, and opinions to the Chancellor and Board of Trustees. The Lead Counsel works closely with the Board Chairperson/President, the Chancellor, the Board Clerk, the Board Secretary, and other administrators designated by the Chancellor, and reports directly to the Chancellor and Board of Trustees. Lead Counsel may be invited to attend other Board committee meetings by their Chairs, as needed.

The Lead Counsel is responsible for the oversight of all litigation involving the District, including hearings and arbitrations, and, working directly with the District’s Risk Services Manager, recommends the engagement of, and supervises the work of, outside law firms, taking into consideration both the nature of the services they can provide and the fees that they charge. The Lead Counsel works to ensure that legal services are provided in a manner that serves the District’s best interests.

The Lead Counsel is required to attend monthly Board Meetings (Open and Closed Sessions).

The Lead Counsel regularly reports to the Chancellor and Board of Trustees regarding legal activities at the District.

The Lead Counsel provides additional legal reports and advice as requested by the Chancellor or Board of Trustees, acting as a whole.

The Lead Counsel will be available to individual Trustees on district matters.

Section 3 – Statement of Qualifications

3.1 Statement of Qualifications Format and Content

The Proposer’s Statement of Qualifications should fully state its Lead Counsel experience. The submitted Statement of Qualifications should be organized and indexed in a format that ensures the District can easily review to effectively evaluate the Proposer’s Statement of Qualifications.

Suggested Format

I. LETTER OF INTEREST

- I.A. Identify the submitting organization.
 - I.B. A listing of all principals of the firm.
 - I.C. Identify the name and title of the person authorized by the organization to contractually negotiate and obligate the organization.
 - I.D. Identify the name, title and telephone number of the person(s) being proposed as Lead Counsel.
 - I.E. Identify the names, titles and telephone numbers of persons to be contacted for clarification.
 - I.F. Be signed by the person authorized to contractually obligate the organization.
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II. SUBMISSION OF STATEMENT OF QUALIFICATIONS

- II.A. Brief History of the firm, including a resume or Curriculum Vita of the personnel proposed to provide Lead Counsel Legal Services.
- II.B. The location and listing of resources of the local office (e.g., number of partners, associates, clerical staff, etc.), and the distance from this office to the District.
- II.C. Professional memberships, certifications, licenses, and other qualifications for key individuals assigned to the District
- II.D. Company's experience and qualifications for similar types of engagements; this summary must include your firm's experience in each of the areas of specialty listed herein for which the Proposer is submitting a Statement of Qualifications.
- II.E. A listing of cases and outcomes relating for higher education clients that have been handled by the firm through negotiation, settlement, mediation, arbitration, or litigation.

III. RATE/FEE SCHEDULE

- III.A. Proposer will include a fee proposal specifically reflecting the method of determining charges for work performed; and include hourly rates for the following:
 - i. Principal
 - ii. Senior Partner
 - iii. Partner
 - iv. Senior Associate
 - v. Mid-Level Associate
 - vi. Associate
 - vii. Of Counsel Attorney
 - viii. Graduate Legal Assistant
 - ix. Law Clerk
 - x. Paralegal Staff
 - xi. Travel
- III.B. Proposer shall include other necessary costs and expenses, to include, but not limited to the following:
 - i. Hourly rate for telephone consultation
 - ii. Cost for fax transmission/receiving
 - iii. Cost per hour for court litigation and administrative proceedings
 - iv. Cost per hour for attendance at the Board of Trustees meetings (evening)
 - v. Hourly rate for travel time (Is time charged from portal to portal?)
- III.C. Proposer shall indicate how Proposer's fees are charged (i.e., 1/10th Hour increments, quarter hour increments, fixed fee, per transmission, etc.).
- III.D. Proposer shall indicate the cost for In-Person Attendance of Lead Counsel at Board meetings. By mutual agreement, in the event of an emergency, virtual/remote attendance is a possibility.
 - i. Regular Board Meetings are held the 2nd Wednesday of every month, at Yosemite Community College District, 2201 Blue Gum Avenue, Modesto, CA 95358; and four times a year at Columbia College, 11600 Columbia College Drive, Sonora, CA 95370 during the months of March, May, July, and October.

IV. CERTIFICATE OF NON-DISCRIMINATION (Exhibit A)

IV.A. Proposer shall complete, sign, date, and include with its Statement of Qualifications the Certificate of Non-Discrimination attached to this RFQ.

V. REFERENCES FORM (Exhibit B)

V.A. A minimum of three (3) verifiable references from a California public or private educational institution shall be listed on the "References" sheet provided in this RFP; this list may include current and former clients (with reason for cancellation if applicable), with all references being able to fully comment on the Proposer's related experience;

VI. ADDITIONAL MATERIALS (optional)

VI.A. Proposers may include other materials that they feel may improve the quality of their Statement of Qualification/Proposal submissions and/or are pertinent to this RFP.

VI.B. Proposers are encouraged to include letters of reference and/or testimonials in their Statements of Qualifications/Proposals.

All costs related to the Proposer's Statement of Qualifications/Proposal submission are the sole responsibility of the Proposer. All Statements of Qualifications/Proposal that are submitted are the property of the District.

All information contained in Statements of Qualification/Proposals submitted may be subject to the California Public Records Act (*California Government Code* Section 6250 et seq.), and information's use and disclosure are governed by this Act. Any information deemed confidential or proprietary should be clearly identified by the Proposer as such. Such information may then be protected and treated with confidentiality to the extent permitted by state law.

3.2 Request for Clarification/Information (RFC/RFI)

Questions regarding the meaning of the Scope of Work, Technical Requirements, or other pre-proposal documents shall be directed to Dorothy Pimentel at purchasing@yosemite.edu.

3.3 Request for Qualifications/Proposal (RFP) Submittals

For the purpose of this Request for Qualifications/Proposal, it should be noted that the documents submitted by prospective Proposers are informal, sealed Statements of Qualification/Proposals, and are **not** competitive sealed bids.

When submitted Statements of Qualification/Proposals are opened, prices and other information shall not be made public unless the firm submitting the Statement of Qualifications/Proposal is selected as a legal resource by the District. At that time, any executed retainer agreement or other executed contract between Proposer and District shall become public information, subject to disclosure under the California Brown Act through publication on the District's Board Agenda.

EXHIBIT A

CERTIFICATION OF NON-DISCRIMINATION

TO BE EXECUTED BY PROPOSER AND SUBMITTED WITH STATEMENT OF QUALIFICATIONS

Proposer hereby certifies in performing work or providing services for the District, there shall be no unlawful 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, or veteran status, 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 _____, _____.

PROPOSER

(Type or print complete legal name of firm)

BY

(Signature)

Name

(Type or print)

Title

Address

City

State

Zip

EXHIBIT B

REFERENCES

Proposer shall provide a minimum of three (3) College/University Customer References with three (3) or more years' experience with the Proposer.

REFERENCE #1

NAME OF COLLEGE	
ADDRESS	
CITY, STATE ZIP CODE	
TELEPHONE #	
CONTACT	
DATES OF SERVICE	
APPROX. FTES	

REFERENCE #2

NAME OF COLLEGE	
ADDRESS	
CITY, STATE, ZIP CODE	
TELEPHONE #	
CONTACT	
DATES OF SERVICE	
APPROX. FTES	

REFERENCE #3

NAME OF COLLEGE	
ADDRESS	
CITY, STATE, ZIP CODE	
TELEPHONE #	
CONTACT	
DATES OF SERVICE	
APPROX. FTES	

(ATTACH ADDITIONAL SHEETS IF REQUIRED OR DESIRED)

STATEMENT OF QUALIFICATIONS/PROPOSAL SUBMITTAL CHECKLIST

This checklist is provided to assist in the preparation of Proposer's Statement of Qualifications/Proposal. It is only intended as a guide.

Proposers are encouraged to use the following checklist when preparing their proposed Statement of Qualifications/Proposal:

- LETTER OF INTEREST** – all requested information included, and signed by authorized representative
- RESPONSE TO MANDATORY REQUIREMENTS** – include narrative, resumes, experience and qualifications, and a brief summary of the firm's past three years of financial statements.
- FEE PROPOSAL** – all requested information included, including hourly rates, billable hours, increments, and other expenses that may be incurred by the District
- EXHIBIT A – Certification of Non-Discrimination** – completed and signed by authorized representative
- EXHIBIT B – References** – complete as requested
- ADDITIONAL MATERIALS (OPTIONAL)** – Attach as desired