



## Antelope Valley College District

Business Services - Purchasing and Contract Services

3041 W. Avenue K | Lancaster, CA 93536-5426

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### REQUEST FOR QUALIFICATIONS/PROPOSALS FOR LEGAL REPRESENTATION AND RELATED SERVICES RFQ # AVC2015/2016-22

Notice is hereby given that Antelope Valley Community College District, acting by and through its Governing Board, hereinafter referred to as the District, will receive up to but no later than **3:00 p.m. (PST) on March 30, 2016** sealed submittals for **RFQ # AVC2015/2016-22, Legal Representation and Related Services**. Such submittals must be submitted in the format specified in the RFQ, and received by the Purchasing Department, 3041 W. Ave. K, Adm. #154, Lancaster, CA 93536-5426. All documents and any addenda or notices related to this solicitation will be posted by the District on the Purchasing website at:

<https://www.avc.edu/administration/busserv/rfpbiddocs>

Each submittal must conform and be responsive to this invitation. The District reserves the right to reject any and all proposals, or parts of any proposals, and to waive any irregularities or informalities in any proposal. All inquiries must be submitted in writing by **5:30 p.m. (PST) on Monday, March 21, 2016** to Mina I. Hernandez at [mihernandez@avc.edu](mailto:mihernandez@avc.edu).

ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT

Mina I. Hernandez  
Manager, Purchasing and Contract Services

Publication Dates:

1st: 03/12/16

2nd: 03/19/16



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NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that the governing Board ("Board") of the Antelope Valley Community College District ("District") is presently accepting Statements of Qualification/Proposals for the following project ("Project"):

LEGAL REPRESENTATION AND RELATED SERVICES
RFQ # AVC2015/2016-22

Sealed Statements of Qualification/Proposals must be received by, but no later than 3:00 P.M. (PST), March 30, 2016. Any changes to this RFQ are invalid unless specifically modified by the District and issued as a separate addendum document. Should there be any questions as to changes to the content of this document, the District's copy shall prevail. All addendums and notices related to this RFQ will be posted on the District's Purchasing website at: http://www.avc.edu/administration/busserv/RFPbiddocs. In the event this RFQ is obtained through any means other than the District's distribution, the District will not be responsible for the completeness, accuracy, or timeliness of the final RFQ document.

To facilitate the evaluation process, one (1) complete electronic version on a flash drive, (1) original AND (4) additional copies of the Statement of Qualification/Proposal shall be provided. All Statements of Qualifications/Proposals are preferred to be typed on 8 1/2" x 11" paper, 12 point (or larger) Arial, Calibri 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 Qualification/Proposal.

Delivered Statements of Qualifications/Proposals shall be enclosed and sealed in an envelope or container bearing the title of the project, the project's number and the name of the Bidder, and delivered in one of the following methods:

Table with 2 columns: Hand-delivered to: and U.S. Postal Service, UPS, FedEx, or other common carrier delivered to:.

EMAIL OR FAXED STATEMENTS OF QUALIFICATION/PROPOSAL WILL NOT BE ACCEPTED.

It is the responsibility of the Bidder to verify that its Statement of Qualification/Proposal has been received by the District prior to the opening date. Verification of receipt can be made by emailing purchasing@avc.edu.

STATEMENTS OF QUALIFICATION/PROPOSALS DELIVERED OTHER THAN THE ABOVE STATED ADDRESSES, OR RECEIVED AFTER THE SCHEDULED SUBMITTAL DEADLINE, WILL BE REJECTED AND RETURNED UNOPENED TO THE BIDDER. It is the Bidder's sole responsibility to ensure that its Statement of Qualification/Proposal, inclusive of any or all addendums, is received to the proper place at the proper time. Postmarks will not validate proposals which arrive after the deadline date/time listed above. Any Statements for Qualifications/Proposal received after the scheduled closing time for receipt of same will



be returned to the Bidder unopened. Statements of Qualification/Proposals may be withdrawn by submitting a written request. Such written request must be delivered to the place stipulated in the RFQ prior to the scheduled closing time for receipt of Statement of Qualification/Proposal. The award shall be subject to final Contract Documents and Scope of Work (“Work”) between the District and Bidder.

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 six (6) months after the due date for Statements of Qualification/Proposals. Statements of Qualifications/Proposals shall be signed by an authorized individual or officer of the firm submitting the Statement. If the Bidder 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.

END OF SECTION



### INTRODUCTION AND GENERAL OVERVIEW

Antelope Valley Community College District (District) is within the California Community College system in Los Angeles County. From its humble beginnings in a classroom at Antelope Valley Joint Union High School in 1929 with an enrollment of 20 students, the District has grown to a campus of over 135 acres with 890 employees and an enrollment of over 18,000 students. Throughout its 85 years, the college has gained a national reputation for its service to the community and industry. In addition to traditional classes, the District’s Lancaster campus is home to the award winning early college SOAR High School and a state-funded laboratory preschool. The campus also hosts upper division and graduate-level programs offered by California State University Bakersfield with its own satellite campus. In March 2015, the District was approved as one of only 15 community colleges in the state to begin offering a bachelor degree. The District’s Airframe Manufacturing Technology program is designed to meet the needs of the local aerospace industry for aircraft manufacturing leads. The program's curriculum will start no later than fall 2017 addressing airframe manufacturing, aircraft fabrication (structures and composites), electronics, and welding. To learn more, please visit the District’s website at <http://www.avc.edu/>.

### PURPOSE OF REQUEST FOR QUALIFICATIONS/PROPOSALS

The District is seeking Statements of Qualification/Proposals from law firms with experience and expertise in California, Los Angeles County public and private higher education institutions and/or public agencies within the legal practice areas set forth herein. The District shall receive responses to this RFQ and, if deemed necessary, may conduct individual interviews in order to select firms, which in the opinion of the District, are best suited to perform legal services for the District in specific areas of law (see Scope of Work). The purpose of this RFQ is to provide the District with necessary law firm information so that it can create a select resource list of law firms that have demonstrated experience and expertise practicing in specified areas of law, to be used by the District for legal matters in the future on an as-needed basis.

Bidder is hereby informed that this Request for Qualifications/Proposals is intended as an informal solicitation of Statement of Qualification/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.

**Project Specific Dates:** The following table identifies the estimated dates/time frame for receipt, evaluation and award of this RFQ. Please note the following key dates when preparing your responses:

Description:	Date*
Bid Advertisement Dates	1st: 03/12/16 2nd: 03/19/16
Last Day for Bidders to submit questions	03/21/16
Last day for District to Respond to questions	03/25/16
<b>Submittal of Statement of Qualifications</b>	<b>03/30/16, before 3:00 p.m.</b>
Interviews (optional)	To be Determined
Anticipated Board Approval	To be Determined

*\*Dates may change with or without notice*

**Statements of Qualification/Proposals Evaluation:** The Statements of Qualification/Proposals review process used to select qualified law firms will be as follows:



- a. The District will review and evaluate all Statements of Qualifications/Proposals received using the criteria below, and will develop a resource pool of qualified firms for specific areas of legal practice. Incomplete Statements of Qualifications/Proposals may be rejected as non-responsive, and may result in being excluded from this legal resource pool.
- b. A District Evaluation Committee may elect to conduct oral interviews of selected firms. The District may request selected firms to make an oral/visual presentation in connection with the oral interview.

**Evaluation Criteria:** Bidders 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 RFQ.
- 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. 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 General 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 shall give preference to those firms who agree to abide by the *Statewide Association of Community Colleges Joint Powers Authority (SWACC JPA) General Counsel legal services fee rate schedule*. District shall provide firms with this attorney rate/fee schedule upon request. These rates typically cap at \$175 per/hour for Partners, and \$155 per/hour for associate attorneys.

**Optional Proposal Interviews:** It may also be necessary, at the discretion of the District, to conduct individual interviews with one or more of the Bidders who submitted proposals. The Bidders will be notified of the time and exact location in advance of any interview. The purpose of this interview is to confirm information provided in proposals submitted by the Bidders. This will also be another opportunity for the section committee to request additional clarifications. In these interviews, the Bidder may expand on the information provided in its key personnel present as the primary representatives during this process.

**Contract Award:** The District will select a Bidder that demonstrates to be the highest, responsive, and responsible Bidder. Responsive refers to meeting the terms, conditions, requirements and specifications of this RFQ. Responsible refers to those who can provide, for example, evidence and references that support a history of compliant contract performance and sound business operation. The District has the right to inspect the facilities, services areas, and business practices of all Bidders submitting offers prior to the award of this contract. The purpose of an inspection is to determine the Bidder's potential ability to perform under the terms of this proposal. The District also has the right to inspect the facilities and



operations of the selected Bidder at any time during the contract period. See Instruction to Bidders for more details.

**Restrictions on Lobbying and Contacts:** For the period beginning on the date of the issuance of this RFQ and ending on the date of the award of the contracts, no person or entity submitting a response to this RFQ, nor any officer, employee, representative, agent, or consultant representing such a person or entity, shall contact through any means or engage in any discussion regarding this RFQ, the evaluation or selection process/or the award of the contracts with any member of the District's Governing Board, selection members, or with any employee of the District except for clarifications and questions as described herein. Any such contact shall be grounds for disqualification of the Bidder.

**Limitations:** The District reserves the right to contract with any Bidder responding to this RFQ. The District makes no representation that participation in the RFQ process will lead to an award of contract or any consideration whatsoever. The District reserves the right to amend this RFQ and the RFQ process and to discontinue or re-open the RFQ process at any time. The District shall in no event be responsible for the cost of preparing any proposal in response to this RFQ. The awarding of the contract, if at all, is at the sole discretion of the District. The District reserves the right to reject any or all proposals, to waive any irregularities or informalities, to evaluate the proposals submitted, and to award a contract, if any, according to the proposal which best serves the interests of the District at a reasonable cost to the District.

**No Discrimination.** The Offeror hereby assures that it will not discriminate in its hiring or employment practices on the grounds of race, color, sex, age, ancestry, religion, marital status, national origin, sexual orientation, gender, gender identity, gender expression, medical condition or physical or mental disability, or any other basis protected by law, in performing the work and services set forth in the RFQ.

END OF SECTION

## SCOPE OF WORK

### 1. General Business Counsel

A general counsel firm must be able to offer a number of disciplines, which could minimize the number of specialized areas where informal lists would need to be maintained. At a minimum, a general counsel should have some level of knowledge and experience in the following areas:

- **Personnel and Employee Relations, including:**
  - Personnel and Labor law
  - Compensation and benefits
  - Employee benefit trusts
  - Collective bargaining and negotiations
  - Termination, disciplinary issues and other disputes
  - Workers' Compensation and personal injury
  - Privacy issues and right-to-know
  - EEO, ADA and various discrimination issues
  - Mediation and arbitration services
  - Board policies and procedures
  
- **Business Law:**
  - Public Procurement
  - Contract Services
  - Intergovernmental agreements and partnerships
  - Complex agreements
  - Public contract code
  - Public finance, including reporting obligations and audit
  - Budgeting and finance mechanisms
  
- **Review and Interpretation of Administrative Law, Statutes, Codes & Policies:**
  - Education Code with specific experience in Article 41 (including student and professional issues)
  - Public Contract Code
  - Government Code
  - Title 5
  - Brown Act
  - Administrative proceedings
  - Instructional and Student Service issues
  - P.O.S.T. and other Campus Police and Public Safety issues
  - California Public Records Act
  - Board of Trustees & Elected Officials issues – liability
  - Insurance contracts, claims and litigation
  - Public entity experience, including the Political Reform Act and Govt. Code section 1090





**2. Other**

These specific services might be considered for optional outsourcing by the District:

- Civil and administrative liability and litigation (to the extent not covered by the JPA)
- Bond Issues and counsel
- Public bond financing and related tax issues
- Criminal liability and litigation
- General District matters as encountered in District operations

Other services requested may include, but are not necessarily limited to, the following:

- Advise the District's Governing Board, Superintendent/President and designated Administrators on various legal and construction issues.
- Inform the Executive Director of Business Services and/or designee of changes in the laws that would affect existing District Board Policy and/or require new District Board Policy.
- Conduct workshops and seminars in areas of general concern, such as: Equal Employment Opportunity, Non-Discrimination, Sexual Harassment Prevention and Awareness, Conflict of Interest, etc.
- Legal advice and representation of the District in litigation on any or all matters as directed by the District's Superintendent/President, Vice President of Business and Administrative Services or the Board of Trustees. The legal services may include but are not limited to the topics referenced above.

END OF SECTION



## STATEMENT OF QUALIFICATIONS

**Statement of Qualifications Format and Content.** The Bidder's Statement of Qualifications should fully state its experience for those areas of legal practice listing specific section referenced in the Scope of Work, that it has experience and expertise in. The submitted Statement of Qualifications should be organized and indexed in a format that ensures the District can easily review to effectively evaluate the Bidder's Statement of Qualifications.

### Suggested Format

#### **I. LETTER OF INTEREST**

- a. Identify the submitting organization;
- b. A listing of all principals of the firm;
- c. Identify the name and title of the person authorized by the organization to contractually obligate the organization;
- d. Identify the name, title and telephone number of the person authorized to negotiate the contract on behalf of the organization;
- e. Identify the names, titles and telephone numbers of persons to be contacted for clarification; and
- f. Signed by the person legally authorized to contractually obligate its firm/organization.

#### **II. SUBMISSION OF STATEMENT OF QUALIFICATIONS**

- a. Brief History of the firm, including a resume(s) or CV(s) of the personnel proposed to be assigned to perform work on District matters.
- 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.
- c. Professional memberships, certifications, licenses, and other qualifications for key individuals assigned to the District
- 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 Bidder is submitting a Statement of Qualifications.
- 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**

- a. Bidder 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
- b. Bidder 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
- c. Bidder shall indicate how Bidder's fees are charged (i.e., 1/10th Hour increments, quarter hour increments, fixed fee, per transmission, etc.).
- IV. CERTIFICATE OF NON-DISCRIMINATION (Exhibit A).** Bidder 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).** A minimum of three (3) verifiable references preferably from a California public or private educational institution and/or California public agency shall be listed on the "References" sheet provided in this RFQ. This list may include current and former clients (with reason for cancellation if applicable), with all references being able to fully comment on the Bidder's related experience.
- VI. ADDITIONAL MATERIALS**
- a. Bidders should include a legal writing sample. For example, briefs, judicial opinion, contract, pleading. etc.
  - b. Bidders may include other materials that they feel may improve the quality of their Statement of Qualification/Proposal submissions and/or are pertinent to this RFQ.
  - c. Bidders are encouraged to include letters of reference and/or testimonials in their Statements of Qualifications/Proposals.

All costs related to the Bidder's Statement of Qualification/Proposal submission are the sole responsibility of the Bidder. All Statements of Qualifications/Proposal that are submitted are the property of the District. All information contained in Statement of Qualification/Proposal 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 Bidder as such. Such information may then be protected and treated with confidentiality to the extent permitted by state law.

**VII. 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 Mina Hernandez at [mihernandez@avc.edu](mailto:mihernandez@avc.edu).

**VIII. Request for Qualifications/Proposal (RFQ) Submittals**

For the purpose of this Request for Qualifications/Proposal, it should be noted that the documents submitted by prospective Bidders 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 Qualification/Proposal is selected as a legal resource by the District. At that time, any executed retainer agreement or other executed contract between Bidder and District shall become public information, subject to disclosure under the California Brown Act through publication on the District's Board Agenda.

END OF SECTION



**CERTIFICATION OF NON-DISCRIMINATION - EXHIBIT A**

**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH STATEMENT OF QUALIFICATIONS**

Bidder 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. Bidder 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 \_\_\_\_\_, \_\_\_\_.

BIDDER \_\_\_\_\_  
(Type or print complete legal name of firm)

BY \_\_\_\_\_  
(Signature)

Name \_\_\_\_\_  
(Type or print)

Title \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_



REFERENCES - EXHIBIT B

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

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)



## SUBMITTAL CHECKLIST

This checklist is provided to assist in the preparation of Bidder's Statement of Qualification/Proposal. It is only intended as a guide. Bidders are encouraged to use the following checklist when preparing their proposed Statement of Qualification/Proposal:

- LETTER OF INTEREST** – all requested information included, and signed by authorized representative
- RESPONSE TO MANDATORY REQUIREMENTS** – include narrative, resumes, experience and qualifications, and five (5) 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