

REQUEST FOR PROPOSALS

For

BOND COUNSEL SERVICES

For the

SAN YSIDRO SCHOOL DISTRICT

Request for Proposals Issued: August 26, 2019

Deadline for Submittal of Proposals: September 13, 2019

I. BACKGROUND

The San Ysidro School District (“District”) serves a diverse community along the southern border in the City of San Diego, with a student population of approximately 5,066 in 8 schools including 5 (Five) elementary schools, 2 (Two) middle schools and 1 (One) Child Development Center.).

The District has a number of aging schools, the oldest of which was built in 1971. Although some of the schools have been recently modernized, the average age of the District’s school buildings is 30 years old, an age in which school buildings require significant upgrades such as learning environment improvements or building systems major maintenance and/or replacement. In some cases, older buildings, especially portables may require replacement. Accordingly, the District is evaluating its options for financing such construction and modernization work through one or more Proposition 39 General Obligation Bond Measures in the future.

II. INTRODUCTION

The District is seeking the professional general obligation bond counsel services related to calling for an election for the potential passage of a Proposition 39 General Obligation Bond Measure, issuance of General Obligation Bonds, Certificates of Participation, Tax Revenue Anticipation Notes, and other legal services associated with such public finance issues set forth in the Scope of Work below.

III. GENERAL INSTRUCTIONS

Interested firms are invited to submit one original signed (by authorized representative) un-bound proposal, and four (4) copies. The response shall be made in the format provided and the complete response, together with any and all additional materials, shall be enclosed in a sealed envelope addressed and delivered no later than 4:00 p.m. on Friday, September 13, 2019 to the following address:

Marilyn Adrianzen, Chief Business Official
San Ysidro School District
4350 Otay Mesa Road
San Ysidro, CA 92173

The sealed envelope shall be marked on the outside lower left corner with the words “Bond Counsel Services RFP”. It is the firm’s sole responsibility to ensure that their response is received prior to the scheduled closing time for receipt of Proposals. No corrected or resubmitted Proposals will be accepted after the deadline.

This Request for Proposal does not commit the San Ysidro School District to award a contract or pay any costs incurred in the preparation of a response to this request. The District reserves the right to accept all or part of any responses or to cancel in part or in its entirety this Request for Proposals. The District further reserves the right to accept the response that it considers to be in the best interest of the District.

All requirements must be addressed in your proposal. Non-responsive proposals will not be considered. All responses, whether selected or rejected, shall become the property of the District.

Requests for Information

Questions related to this RFP should be submitted in writing to Marilyn Adrianzen, Chief Business Official, at marilyn.adrianzen@sysdschools.org, no later than September 3, 2019. Specify “RFP for Bond Counsel Services” in the subject line.

SCOPE OF WORK

Firms wishing to be considered for selection must agree to meet the District’s requirements and provide any/all services listed below at the specific request of the District, including, but not limited to the following:

1. Provide legal advice and consultation relating to bond election documents and the District’s process for considering a bond election.
2. Prepare bond election documents.
3. Provide legal advice, consultation and legal opinions with respect to the authorization and issuance of the bonds and whether the interest paid is tax-exempt under federal and/or State laws and regulations.
4. Draft legal documentation (excluding the official statement) including all required resolutions, financing documents, closing documents and transcripts and coordinate the authorization and execution of those documents.
5. Review the official statement prepared by the District’s Financial Advisor.
6. Provide ongoing legal services in matters relating to interpretation of applicable regulations, legislation and/or pending litigation associated with the bond measure as requested.
7. Participate in conference calls, staff meetings, and/or Board meetings as requested, relating to the bonds.
8. Perform due diligence regarding the District and the bonds.
9. Provide ongoing information to District staff regarding the activity and legal status of the bonds.
10. Prepare other legal analyses related to the bonds that may be utilized by the District in its financings as requested.
11. Perform such other functions normally contemplated to be within the scope of a fully qualified bond counsel as requested by District

IV. CONTENTS FOR RESPONSES

In order for responses to be considered, said response must be clear, concise, complete, well organized and demonstrate firm’s ability to follow instructions. The quality of answers, not length of responses or visual exhibits is important. Please note, we are not looking for a large proposal document and brevity will be valued

The response shall be organized in the format listed below. Respondents shall read each item carefully and answer each of the following items accurately to ensure compliance with District requirements.

Section A. Business Profile: Provide a profile of your company

1. Firm name, address, telephone number, fax number, and e-mail address.
2. Identify who will be the designated bond counsel for the District and who is authorized to sign agreements and represent your firm in matters related to this Request for Proposals.
3. Describe your firm's bond counsel experience with California schools, with an emphasis on your firm's experience with similar school district bond elections and issuances.
4. Describe briefly the legal services to be provided by your firm as Bond counsel.
5. Provide a clear and concise rationale as to why the district should select your firm over other qualified Bond Counsel firms.
6. References: Provide the names and contact information for at least three (3) California school districts your firm has worked with as a Bond Counsel over the past four (4) years.

Section B. Performance Standards

1. Firm's competence and experience with similar school district bond measures with an emphasis on strengths that set your firm apart.
2. Qualifications and depth of experience of specifically assigned and designated personnel who will conduct work for the district (include Résumés).
3. As a case study, choose one example of a similar school district which your firm was the Bond Counsel and provide a brief description of how your firm's services added value to and contributed to the success of the chosen bond measure.

Section C. Fees

Provide your firm's fees for Bond Counsel services, including, but not limited to pre and post election services. Further, identify fees/hourly rate, if any, for additional services the District might require for issues not directly related to the issuance of a bonds. If there are to be charges for reimbursable expenses, please list all charges to be considered reimbursable and provide a not-to-exceed amount for said expenses. The District may consider an hourly rate rather than a contingency fee. Please provide the hourly rates for your team.

Section D. Insurance

Please provide a written description of the level of malpractice insurance carried by your firm, including the deductible amount, to cover errors and omissions, improper judgments, or negligence.

Section E. Legal Issues

Please respond to each of the following questions:

1. Is there now pending any legal action relating to or connected with an offering the provision of Bond Counsel services against the firm or any employee of the firm? If so, please describe such pending action.
2. Have there been any settlements or judgments involving such actions within the last five (5) years? Please describe each such settlement or judgment, including the nature of the action and the amount of recovery.
3. Describe any existing or potential conflict of interest arising from your relationships with or representation of other parties that should be considered as a factor in determining your objectivity, and provide sufficient facts, legal implications, and possible effects in order for the District to appreciate the significance of each potential conflict and grant an appropriate waiver, if necessary.
4. Describe and state the conclusion reached of any disciplinary action, administrative proceeding, malpractice claim or other like proceedings against your firm or any of its lawyers, whether current or pending, as well as any such action, proceeding or claim occurring during the past five years.

V. EVALUATION CRITERIA

A Selection Advisory Committee will select and rank in the order of their qualifications, experience, fees, and overall responsiveness the proposals that meet the criteria set forth in this Request for Proposals and are most advantageous to the District.

The Selection Advisory Committee may choose to interview any, all, or none of the respondents as may be in the best interest of the district. If interviews are held, a committee representative will notify those firms selected as to place, time, date, and location of the interview. Your firm's main point of contact as stated in your response to this Request for Proposals must be present at the interview.

The names of all firms submitting proposals and the name of the firm selected will be made available upon request. All firms shall be notified of the results in writing after the conclusion of the selection process.