PEC Attorney Contract Process & SOW

Public Education Commission Meeting 2.21.25

Draft Scope of Work (these are the same as current)

A. No more than one attorney attend official meetings of the PEC, and only as requested by the Executive Committee of the PEC, to provide legal advice at those meetings as it relates to questions of administrative law, open government law, substantive New Mexico charter law, New Mexico and Federal education law, and other areas of law required in executing the authority of the PEC as a chartering authority.

B. Prepare letters or written decisions to charter schools and new school applicants regarding the authorizing decisions of the PEC and regarding corrective action taken or sanctions imposed by the PEC.

C. Prepare letters or written decisions regarding legal matters of the PEC, as requested by the PEC.

D. Provide legal representation to the PEC in legal hearings required by the PEC relating to new charter application denials, non-renewal, revocation or other authorizer sanctions of charter schools. This includes initial decision making hearings, appeal hearings before the Secretary or an appointed hearing officer on the Secretary's behalf, and appeal hearings in New Mexico courts regarding related PEC authorizing decisions.

Scope of Work (page 2, same as current plus **I.**)

E.   If requested by the Executive Committee of the Commission, provide a legal review of charter contracts and performance frameworks during the term of the contract.

F.   If requested by the Executive Committee of the Commission, provide legal representation during the negotiation process of charter contracts and performance contracts and performance Frameworks.

G.   Provide a legal review of the annual report by the PEC for submission to PED and provide legal guidance related to submission or finalization of the report.

H.   The attorney(s) shall not provide legal advice or representation to the PEC for the purposes of bringing a legal claim, in any jurisdiction or venue, on the PEC's own initiative against the PED or any representative of the PED as a named party.

I.   **The attorney may attend the National Association for Charter School Authorizers' national conference and be compensated for attendance.**

RFP Process Steps (after finalizing SOW)

Action	Responsible Party	Due Dates
1. Issue RFP	SPD	March 3, 2025
2. Acknowledgement of Receipt Form	Potential Offerors	March 13, 2025
3. Pre-Proposal Conference	Agency	March 14, 2025
4. Deadline to submit Written Questions	Potential Offerors	March 17, 2025
5. Response to Written Questions	Procurement Manager	March 19, 2025
6. *Submission of Proposal*	*Potential Offerors*	**April 4, 2025**
7.* Proposal Evaluation	Evaluation Committee	April 11, 2025 to April 25, 2025
8.* Selection of Finalists	Evaluation Committee	April 23, 2025
9.* Oral Presentation(s)	Finalist Offerors	April 24, 2025
10.* Best and Final Offers	Finalist Offerors	April 25, 2025
11.* Finalize Contractual Agreements	Agency/Finalist Offerors	April 28, 2025 to May 2, 2025
12.* Contract Awards	Agency/ Finalist Offerors	May 5, 2025
13.* Protest Deadline	SPD	May 23, 2025

*Dates indicated in Events 7 through 13 are estimates only, and may be subject to change without necessitating an amendment to the RFP.

Sole Source Process Steps

- Finalize SOW
- Complete form (5 pages vs 60 for the RFP)
- Provide Rationale, explanation of qualifications, unique capabilities
- Sole Source request of determination posted for 30 days without challenge and approved by GSD
- Letter from Vendor
- One year-only contract unless we request an exemption and it is approved (per NMAC 1.4.1.51)

Procurement Process Options

RFP   vs   Sole Source

- Application process open to new vendors for 30 days
- Review, point system, rating all applications
- Evaluation factors defined by state
- PEC Evaluation Committee (training, closed sessions during PEC meetings)
- Multi-year contract term

- Continues contract with current vendor
- Justification form with rationale
- Letter from vendor
- For terms longer than one year, Request for Policy Exemption from DFA approval needed