

**Athlos ACADEMY OF UTAH**  
**REQUEST FOR PROPOSAL**  
**Bond Counsel**

**Due: Friday, June 19, 2020**  
**4:00 P.M. MST**

**Athlos Academy of Utah**  
**Attention: Joel Wright, Counsel**  
**Phone: 801-426-2120**  
**Email: [jwright@kmclaw.com](mailto:jwright@kmclaw.com)**

## **Request for Proposal Bond Counsel Services**

### **I. GENERAL**

#### **A. Intent of Request for Proposal (RFP)**

The purpose of this Request for Proposal is to solicit sealed, competitive proposals from qualified bond counsel to assist Athlos Academy of Utah on the legal services performed by bond counsel on the issuance of tax exempt bonds through the Utah Charter School Finance Authority in 2020.

#### **B. Athlos Academy of Utah Background**

Athlos Academy of Utah (or “Athlos”) is a Utah public charter school located in Herriman, Utah that opened in August 2016 and teaches grades K-8. Athlos had an enrollment of 814 students in October 2019. Athlos is currently leasing their facility, and now wishes to purchase their facility. More information on Athlos is available here: <https://www.athlosutah.org/>

#### **C. Eligibility Requirements**

This RFP is being sent to all law firms that were declared eligible to serve as bond counsel for the Utah Charter School Finance Authority on June 3, 2020.

#### **D. Other Requirements**

##### **1. Conform to Response Form Guidelines**

All proposed information must be submitted on the Proposal Response Forms found in Section III to Joel Wright, Counsel for Athlos.

##### **2. Proposals Submitted on a Timely Basis**

All proposals must be submitted by: Friday, June 19, at 4:00 p.m.

##### **3. Submission of Proposals**

All proposals must be emailed to Joel Wright ([jwright@kmclaw.com](mailto:jwright@kmclaw.com)) by the deadline.

##### **4. Late Proposals Unacceptable**

Any proposal received after the deadline will be deemed non-responsive and will not be considered for evaluation.

##### **5. Faxed Proposals Unacceptable**

Faxed copies of the proposal will not be accepted.

#### **E. Contract Period**

This agreement shall commence on the date of bid acceptance by Athlos and continue for one (1) year. Each bid must include an option whereby Athlos, in its sole discretion, can extend the contract for an additional year on the same

terms, prices, and conditions set forth in the bid. The option shall be exercisable at the end of the first year, with an optional extension renewal at the end of each year through the fourth year. If the option is not exercised, then the contract shall automatically expire at the end of the contract term. Notice of exercise of the option must be given at least fifteen (15) days prior to the end of the contract term.

**F. Written Agreement**

This RFP and the successful vendor’s response shall be become formally binding upon the signing of an engagement letter with the successful vendor.

**G. Proposal Calendar**

It is anticipated that the following schedule will be followed:

June 5, 2020	RFP Released and Advertised
June 19, 2020	Proposals due. Must be emailed by 4 p.m.
June-July 2020	Evaluation of Proposals by Athlos Committee. This Committee may request formal written clarification of any item.
June-July 2020	Athlos Committee scores all bidders.
June-July 2020	Athlos Board reviews work by Athlos Committee and approves agreement with their winning bidder, or makes no selection, in their sole discretion

**H. Clarification of Proposal**

The Athlos Committee may request formal written clarification of any item at any time.

**I. Required Signatures**

Proposals must bind the firm to the proposed terms for a period of sixty (60) days from June 19, 2020.

**J. Evaluation Criteria – 100 Points Possible**

The award will be made to the proposer who scores the highest on the following criteria:

- 1. **Responsiveness (10 Points)** – The completeness and conformity of the proposal response to the RFP requirements.

- 2. Overall ability and program approach in managing or enhancing Athlos' ability to effectively deal with legal issues. (25 points) –**  
This category determines how good the “fit” is between the legal expertise offered by the provider and the legal needs of Athlos. Points will be given for proposers who have expertise in areas needed by Athlos, or who can propose new or innovative financing methods with a reasonable chance of success.
- 3. Experience (35 points) –** Identify your firm’s legal experience as bond counsel representing public charter schools in the last five (5) years in Utah or other States.
- 4. Strength of References (15 Points) –** Quality and applicability of the feedback from references for public charter school legal work.
- 5. Cost (15 Points) –** The description of the costs or how they will be determined for all aspects of the services.

#### **K. Athlos Contacts**

##### **1. Inquiries**

All inquiries relative to this Request for Proposal must be directed to: Joel Wright, Counsel for Athlos at 801-426-2120 or [jwright@kmclaw.com](mailto:jwright@kmclaw.com).

##### **2. Other Contacts Prohibited**

No other Athlos employee, Board Member, or Athlos Committee member should be contacted concerning this RFP during the selection process. Failure to comply with this requirement may result in disqualification.

#### **L. Right of Rejection**

Athlos reserves the right to reject any and all proposals or to waive any non-statutory informality. Athlos further reserves the right to make the contract award deemed by the Athlos Committee to be in the best interests of Athlos. The Board’s decision to accept or reject the contract shall be final.

#### **M. Addenda to RFP**

If it becomes necessary to revise this RFP in whole or in part, an addendum will be provided to all proposers of record who received the original RFP.

#### **N. Firm Proposal**

Conditions must be firm for a period of sixty (60) days from the due date of this RFP.

#### **O. Conflict of Interest Disclosure**

All proposals must list agent or other relationships between the proposer and any company, contractor, or other agency where the potential for a real or

perceived conflict of interest may arise in the course of providing assistance to Athlos.

## **II. SCOPE OF WORK**

Athlos has been leasing their facility in Herriman, Utah since it opened in August 2016. Athlos engaged John Phan as their financial advisor in February 2020, and has had a longstanding relationship with Kirton McConkie as their school counsel. Athlos has negotiated a Purchase Agreement for their facility for approximately \$21,557,300.

Thus, the scope of work required by Athlos for bond counsel includes the following:

1. Prepare and revise the documents traditionally prepared by bond counsel for charter schools issuing debt through the Utah Charter School Finance Authority.
2. Render a tax-exempt opinion on the Bonds.
3. Advise Athlos on the ideal financing approach.
4. Attend and participate in any meetings or phone conferences as necessary.
5. Do any legal work reasonably requested of bond counsel by Athlos or their counsel, financial advisor or underwriter; as well as the Authority.
6. Advise Athlos on any other legal matters as reasonably requested from bond counsel.
7. Be an active part of the “team” to get Athlos the best financing possible, including working proactively with Athlos’ Administration and Board, as well as Athlos’ financial advisor, underwriter, counsel and the Authority.

## **III. PROPOSAL RESPONSE FORMS**

The proposer must use the following schedules, or copies thereof, in submitting a proposal. The schedules must be completed in their entirety. Other materials that support these schedules may be included in the proposal document. Completed schedules shall be rated against the evaluation criteria on page 4 of this Request for Proposal.

### **Schedule A. Certification of Proposal**

### **Schedule B. Organization**

### **Schedule C. References, Experience, and Expertise**

### **Schedule D. Cost**

**Schedule A**

**CERTIFICATION OF PROPOSAL**

I (We) have read the Athlos Request for Proposal and fully understand its intent. I (We) certify that I (we) have adequate personnel and resources to fulfill the proposal requirements. I (We) further understand that our ability to meet the criteria and provide the required services shall be judged solely by Athlos.

I (We) further certify that, since the receipt of this RFP, no contact, discussion, or negotiation has been made nor will be made regarding this proposal, with any Athlos employee or Board Member other than the listed contact people in the RFP. I (We) understand that any such contact could disqualify this proposal.

I (We) certify that all schedules and addenda contained herein shall be considered part of the entire RFP and that the complete documents submitted shall be considered a legally binding document.

Submitted by:

\_\_\_\_\_  
Proposer's Name

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date

**ORGANIZATION**

Entity Name \_\_\_\_\_

Principal Name/Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

History/Profile of Proposer or Proposer's Firm

Description of Organization (if applicable). Describe your firm's qualifications and capabilities listed in Scope of Work.

\*If additional space is needed, please attach to this document.

**REFERENCES, EXPERIENCE AND EXPERTISE**

Provide a list of up to three public charter schools for which your firm has provided bond counsel services in the last five (5) years. Provide a short summary of the services provided, and the dates of service. Please include a name and telephone number of a contact person who supervised your legal work.

\*If additional space is needed, please attach to this document.



**COST**

- A. I (We) the undersigned, hereby propose to furnish all supervision, labor, materials, tools, equipment, supplies, services, insurance, transportation, and other incidental requirements necessary to perform the work in accordance with the foregoing RFP. I (We) offer the following price schedule which will be held firm for the duration of the contract period. Please provide pricing for:
1. Fixed fee paid at the Closing on the Financing
  2. Hourly Rate
  3. Any other fee proposal the undersigned believes could be mutually advantageous

Please itemize any services or other expenses that are not included in the prices listed above.

\*If additional space is needed, please attach to this document.

**Schedule D (Continued)**

**COST**

- B. I (We) acknowledge receipt of the following addenda and have included their provisions in our proposal: (if applicable)

Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

- C. I (We) agree to hold the RFP amount firm for sixty (60) calendar days after the receipt of the proposal by Athlos. The contract period will be for a one (1) year time period with the option to renew under the same terms and conditions for an additional four (4) one (1) year periods.
- D. I (We) have read and understand the RFP documents. Furthermore, I (we) are prepared to comply with all the requirements contained therein.

Submitted by:

\_\_\_\_\_  
Proposer's Name

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date