

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: APPROVAL AND CONFIRMATION OF OUTSIDE LEGAL COUNSEL
TO NEGOTIATE AND DRAFT AGREEMENT IN CONNECTION WITH
THE ENTERPRISE RESOURCE PLANNING SYSTEMS
INTEGRATION AND IMPLEMENTATION PROCESS**

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

On March 14, 2007, the School Board approved item E-146 [Request Authorization to Enter Into Contract Negotiations With SAP Public Services, Inc., Pursuant to Request for Proposals No. 102-FF04 – Enterprise Resources Planning (ERP) Software and Deloitte Consulting LLP, Pursuant To Request For Proposal NO. 011-GG04 - ERP Systems Integration and Implementation Process], authorizing the negotiation of a contract with these firms.

Due to the specialized and technical complexities involved in negotiating and drafting the contracts with SAP Public Services, Inc. (SAP) and Deloitte Consulting LLP, there was an immediate need for the retention of outside counsel for the Board. The Board Attorney, after discussing the relevant issues in this matter with District staff, selected Mr. Milton L. Petersen of the law firm of Neal, Gerber & Eisenberg LLP, as outside legal counsel for this matter. Mr. Petersen is an attorney with seven years of experience providing representation in intellectual property matters with an additional fifteen years of experience in the field of computer information systems, prior to his becoming an attorney. A copy of Mr. Petersen's resume is attached.

For the foregoing reasons, the School Board Attorney recommends that Mr. Petersen serve as outside legal counsel for the Board in this matter and that the Board confirm his selection as outside counsel. In order to properly protect the Board's interests, Mr. Petersen has been engaged, pursuant to Board rules, under a \$25,000 consultant contract. It is anticipated that the latter contract will be insufficient to provide for Mr. Petersen's representation in this matter for a significant period of time. Accordingly, approval is sought for the continued retention of Mr. Petersen as outside counsel, under a new contract, until this matter is finalized.

**REVISED
G-10**

The proposed contract with Mr. Peterson will conform to the requirements specified in School Board Rule 6Gx13-3F-1.01. *Approval by School Board Attorney*, and will allow for the representation in the negotiation of contracts related to the Enterprise Resources Planning project with SAP Public Services Inc., and Deloitte Consulting LLP. Mr. Peterson's representation of the District in this effort shall extend until the subject transaction is completed or his services are no longer required (it is anticipated that a contract will have been awarded by July of 2007). The total contract expenditure for the rendition of legal services by Mr. Peterson shall not exceed \$75,000.

ADDED

RECOMMENDED: That The School Board of Miami-Dade County, Florida authorize and confirm the retention of Milton L. Petersen, Esquire and the firm of Neal, Gerber & Eisenberg LLP, of which Mr. Petersen is partner, as counsel for the Board for the negotiation of contracts related to the Enterprise Resources Planning project with SAP Public Services Inc., and Deloitte Consulting LLP, subject to the supervision of the School Board Attorney. Mr. Petersen, will be compensated at the rate of \$360.00 per hour and the overall cost of this contract shall not exceed \$75,000. A report of the costs associated with this matter will be provided to the Board on a regular basis.

ADDED

H. OFFICE OF SCHOOL BOARD MEMBERS

- *Resolutions and Recognitions (Immediately following Consent Agenda)*
- *Proposed Board Member Initiatives*
- *Board Member Discussion Issues*
- *Correspondence, Reports and Other Information (Pre-Taped Items)*

REGULAR PUBLIC HEARING SPEAKERS AND/OR SPEAKERS TO CONSENT AGENDA ITEMS WILL BE HEARD AT APPROXIMATELY 6:30 P.M.

A. SUPERINTENDENT'S PRIORITY ITEMS

A-1 SUPERINTENDENT'S INFORMATIONAL REPORTS TO THE BOARD ON SELECTED TOPICS

- Recognition of Students/Employees from Superintendent's Town Hall Meetings
- Update – City of Hialeah Compact
- Recognition of Miami Heat – M-DCPS Partnership
- Update on Scorecards - Internal Model of Accountability
- Update on Secondary School Reform
- Status of School Security in Light of Virginia Tech Incident
- Kiosks
- Teacher Fair
- Legislative Update

A-2 ADOPT A LEGISLATIVE POSITION ON PROPERTY TAXES FOR THE SPECIAL SESSION – JUNE 12-22, 2007

RECOMMENDED: That The School Board of Miami-Dade County, Florida, support property tax relief and advocate that school district funding be held harmless and that any reduction in funding for public education K-12 be replaced with an alternative, stable recurring, and long-term funding source.

A-3 PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL READING 6Gx13- 4A-1.213, CODE OF ETHICS

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 4A-1.213, Code of Ethics.

B. BOARD MEMBER ANNOUNCEMENTS

C. INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

C-1 REQUEST THAT THE SCHOOL BOARD AUTHORIZE THE *CITIZENS' OVERSIGHT COMMITTEE TO THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY TO SERVE AS THE DISTRICT'S A BUSINESS-COMMUNITY (ABC) SCHOOL EVALUATION COMMITTEE*

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the *Citizens' Oversight Committee to the Interlocal Agreement for Public School Facility Planning In Miami-Dade County* to serve as the District's *A Business-Community (ABC) School Evaluation Committee*.

C-2 REQUEST SCHOOL BOARD APPROVAL OF THE FIRST AMENDMENT TO THE CHARTER SCHOOL CONTRACTUAL AGREEMENT WITH RIVER CITIES COMMUNITY CHARTER SCHOOL, INC., ON BEHALF OF RIVER CITIES COMMUNITY CHARTER SCHOOL

RECOMMENDED: That The School Board of Miami-Dade County, Florida, grant approval of the first amendment to the charter school contractual agreement with River Cities Community Charter School, Inc., on behalf of River Cities Community Charter School, to add an additional campus at 301 Westward Drive, Miami Springs, Florida, 33166, commencing with the 2007-2008 school year.

C-3 REQUEST SCHOOL BOARD APPROVAL OF THE SECOND AMENDMENT TO THE CHARTER SCHOOL CONTRACTUAL AGREEMENT WITH A CHILD'S JOURNEY, INC., ON BEHALF OF A CHILD'S JOURNEY CHARTER SCHOOL

RECOMMENDED: That The School Board of Miami-Dade County, Florida, grant approval of the second amendment to the charter school contractual agreement with A Child's Journey, Inc., on behalf of **A** Child's Journey Charter School, to change the school location from 14560 NE 6 Avenue, North Miami, Florida, 33161, to 780 Fisherman Street, Opa-Locka, Florida, 33054, commencing with the 2007-2008 school year.

} Corrected)