

# REQUEST FOR PROPOSALS (RFP) FOR LEGAL SERVICES

## Purpose of RFP

The Town of Holden Beach, North Carolina invites the submittal of responses to this Request for Proposals (RFP) from qualified Firm(s) interested in providing legal services as the Town Attorney. The Town intends to consider Firms and/or individuals who possess the professional and administrative capabilities to provide the scope of services detailed below.

## Scope of Work

The Town is seeking the firm/individual to dedicate 10 hours per month dependent on the issues facing the Town and its various departments. In addition to providing legal representation for the Board of Commissioners, Staff and Boards and Committees of the Town, the Town Attorney shall perform the following functions:

1. Performs legal research, fieldwork and other work and communicates the results to the appropriate person.
2. Negotiates, reviews and prepares contracts, agreements and conveyances, such as service agreements, lease agreements, franchise agreements, easements, purchase contracts and other legal documents on behalf of the Town.
3. Reviews, analyzes, drafts and revises ordinances, policies, manuals and other memoranda for the Town and its various departments to ensure they are coherent, enforceable and consistent with State and Federal law; advises the Board of Commissioners, the Town Manager and Town departments when revisions and changes need to be made.
4. Researches, interprets and applies laws, court decisions and other legal authority in the preparation of opinions and briefs; prepares formal legal opinions upon request of the Board of Commissioners and the Town Manager.
5. Drafts or reviews Staff's drafting of ordinances and resolutions for the Board of Commissioners, explains the foregoing to the Board of Commissioners and answers questions related thereto.
6. Analyzes legislation including proposed State and Federal legislation affecting the Town.
7. Engages in litigation-related matters including drafting, discovery, court attendance, mediation, investigation, hearings and trials and similar activities.
8. Prepares for and attends the Board of Commissioners' meetings and other boards and committee meetings of the Town as requested.
9. Supervises acquisition of real property interests for the Town to include title review, interdepartmental communications, negotiations and litigation.
10. Performs other such duties as may be required by virtue of this position as Town Attorney and as directed by the Board of Commissioners.

## Selection Process

From a review of the proposals received, the Town may invite several Firms to be interviewed before making a final selection. If the Town desires to interview a Firm, that Firm will receive notification of the date and time of the interview. The selected Firm will negotiate with the Town on fee and contract conditions. If in the sole opinion of the Town, an agreement cannot be achieved with the first respondent of choice, negotiations will proceed with the second or subsequent choice respondents until a mutually agreed contract can be negotiated.

## Submittal Requirements

Interested parties should submit the following items in packet form to the Town for consideration. Electronic submissions will be accepted, however we ask that you provide this information in a single PDF file:

1. Statement of Qualifications and resources of the firm/individual, including governmental experience to include description of areas of expertise or relevant experience that may benefit the Town.
2. Statement of Interest in providing service to the Town.
3. Indication of ability to provide timely and efficient service to the Town, including a specification of how many hours per week could be devoted solely to Town business.
4. Suggested contractual terms to include hourly rates.
5. Other factors or information thought to be important to the Town in considering the proposal.

While the Town Attorney is expected to perform the primary legal service functions for the Town, the Town may hire specialized legal counsel to represent the Town in various matters considered outside the normal scope of work. In the event the Board of Commissioners hires outside counsel, the Town Attorney is expected to represent the Town's interest and coordinate the use of outside counsel to include keeping the Board of Commissioners aware of the fees charged by outside counsel.

## Evaluation Criteria

The criteria used to evaluate the RFP responses will include, but not be limited to, the following (items listed below are not listed in order of importance):

1. Qualifications of Firm, specifically as they relate to local government experience.
2. Available resources to complete required work.
3. Responsiveness to the RFP, including any additional documents submitted.
4. Professional references.

## Additional Instructions, Notifications and Information

**No Gratuities** – Respondents will not offer any gratuities, favors or anything of monetary value to any official or employee of the Town for the purpose of influencing this selection. Any attempt by a Respondent to influence the selection process by any means, other than disclosure of qualifications and credentials through the proper channels, will be grounds for exclusion from the selection process.

**All Information True** – By submitting a response, Respondents represent and warrant to the Town that all information provided in the response submitted shall be true, correct and complete. Respondents who provide false, misleading or incomplete information, whether intentional or not, in any of the documents presented to the Town for consideration in the selection process may be excluded.

**Interviews** – After the initial evaluation of the statements of qualifications, Respondents will be notified of their status in the selection process.

**Inquiries** – Do not contact the Town Manager, Mayor, or Board of Commissioners to make inquiries about the progress of the selection process. Respondents will be contacted when it is appropriate to do so. Process inquiries may be directed to Heather Finnell, Town Clerk.

**Cost of Responses** – The Town will not be responsible for the costs incurred by anyone in the submittal of responses.

**Contract Negotiations** – This RFP is not to be construed as a contract or as a commitment of any kind. If this RFP results in a contract offer by the Town, the specific scope of work, associated fees and other contractual matters will be determined during contract negotiations.

**No Obligation** – The Town reserves the right to: (1) evaluate the responses submitted; (2) waive any irregularities therein; (3) select candidates for the submittal of more detailed or alternate proposals; (4) waive interviews of any kind before accepting a proposal; (5) accept any submittal or portion of submittal; (6) reject any or all Respondents submitting responses, should it be deemed in the Town's best interest; or (7) cancel the entire process. Proposals will be reviewed and forwarded to the Board of Commissioners for further consideration. The Board of Commissioners reserves the right to select the proposal that best meets the needs of the Town and to proceed in any fashion that it deems appropriate in making such selection so long as such process complies with all applicable laws.

**Professional Liability Insurance** – The Respondent shall have the appropriate liability insurance written by an insurer authorized to transact insurance in the State of North Carolina.

### **Submittal Instructions**

The Town will receive responses to this RFP at the address set forth below until 12:00 p.m. on Tuesday, January 12, 2021. Responses should be directed to:

Heather Finnell, Town Clerk  
Town of Holden Beach  
110 Rothschild Street  
Holden Beach, NC 28462  
E-Mail: [heather@hbtownhall.com](mailto:heather@hbtownhall.com)

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