



# **Town of Blacksburg, South Carolina**

*Request for Proposals (RFP)*

**Town of Blacksburg Town Attorney**

The Town of Blacksburg, South Carolina is soliciting proposals from qualified attorneys with experience advising and representing South Carolina municipalities for the appointment of the Town Attorney. To be qualified, attorneys must be licensed to practice law in South Carolina and must have at least five years of civil practice experience in commercial law, contracts, real estate, torts, municipal law, or other related areas. The goal of this RFP is to solicit proposals from various candidates, conduct a fair and extensive evaluation based on criteria listed herein, and select the candidate who can best meet the needs of the Town.

### **Town Government**

The Town operates under a Council form of government and has a five-member Town Council comprised of a Mayor and four Council members who serve four-year staggered terms with elections in even- numbered years. The Mayor and Council are responsible for the efficient operation of the town government through policies and ordinances that are carried out by the Council-appointed Town Administrator.

The Town Council appoints the Town Attorney to represent the Town in court, to advise Town officials and employees and to do the work for the Town as required. The Town Attorney is expected to coordinate operational activities and priorities with the Town Administrator to carry out the Town Council's policy directives. The Town Attorney must adhere to the highest ethical standards.

The Town Council meets on the second Tuesday of each month at 7:00 p.m. Occasional work sessions and special meetings may also be held at the request of the Mayor and Town Council.

### **Scope of Work**

The Town Attorney shall be admitted to practice law in the State and shall be a member of the Bar in good standing. The Town Attorney shall be legal counsel to the Town and shall perform such other duties as may be required by law or ordinance. The specific engagement is for local counsel services for an indefinite period. However, the Town reserves the right to terminate any engagement at any time without penalty or continuing liability. The Town Attorney shall have authority to retain, appoint or hire as independent contractors such additional attorneys or co-counsel as may be required to provide adequate and effective legal representation for the Town, within the budgetary limits approved by Town Council and subject to the approval of Town Council. Any such additional attorneys or co-counsel shall be admitted to practice law in the State, shall be members of the Bar in good standing, and shall perform their functions under the direction of the Town Attorney.

The Town Attorney's duties include, but are not limited to the following:

- a. Provide clear and concise legal guidance and direction, legal opinions, advice, assistance and consultation to the Mayor, Town Council, and Town Administrator regarding Town-related legal issues in a timely manner.
- b. Attend Town Council meetings (as needed) and be prepared to advise Council on matters on the agenda, serve as parliamentarian, as well as advice on procedural and substantive issues that arise during the meeting. Attendance at boards and commissions or standing committee meetings may be requested from time to time.
- c. Review and/or prepare ordinances, resolutions, contracts, memoranda, reports, deeds, leases and other legal documents required by the Town.
- d. Represent the Town in civil litigation as needed. Oversee litigation being handled by outside counsel, including counsel on behalf of Town insurance carriers. Keep the Town Administrator, Mayor and Town Council informed of the status of all litigation.

- e. Review and verify Freedom of Information Act (FOIA) requests.
- f. Assist the Planning and Zoning Committee with Town zoning and land use.
- g. Perform such other legal duties as may be required to complete the performance of the functions mentioned above.

### **Qualifications**

The Town Attorney must be licensed, an active member of the South Carolina State Bar, and have five or more years of legal experience. It is desirable for the Town Attorney to hold experience in the following areas:

- a. Experience in designing and drafting Municipal Code sections and regulations.
- b. Ability to provide support to staff, Planning Commission, Board of Adjustment, and the Council during land use and other appeals to the Council, and in code enforcement actions.
- c. Experience with and knowledge of the law governing cities related to public land use and planning, environmental law, redevelopment law, code enforcement and other related areas of law, administrative law, labor relations/personnel law, and other areas of municipal law.
- d. Preference is given to respondents who have provided service as a Town Attorney in a South Carolina municipality.
- e. The Town Attorney should have litigation experience or experience monitoring or supervising litigation.
- f. The Town Attorney must demonstrate abilities to speak clearly and effectively in public.
- g. The Town Attorney must have the ability to relate easily and effectively with all members of the Town Council, staff, and the public.

### **Submittal Requirements**

Interested respondents shall submit the following documents with the proposal:

- a. Resume.
- b. Cover letter explaining qualifications, employment history, legal training, years of practice, municipal or other local public sector experience, litigation experience and track record, knowledge and practice of law relating to land use and planning, real estate, environmental issues, general liability, and any other information the bidder wishes to submit.
- c. Contact information, including home and work addresses, phone numbers, and email address.
- d. Describe the response time the Town can expect to inquiries made by the Town Council and Town Administrator.
- e. Identify the types of training (FOIA, Council's roles and responsibilities, etc.) you are capable of providing to the Town.
- f. A statement of any grievances filed against the attorney with the S.C. Commission on Lawyer Conduct List within the past five years and the resolution of each.

- g. A statement of any fee disputes filed by a client with the S.C. Bar's Fee Disputes Resolutions Board within the past five years and the resolution of each.
- h. A statement of any lawsuits filed against the lawyer by clients within the past five (5) years and the resolution or status of each.
- i. The names and contact information of at least three (3) professional references.
- j. Proposed fee structure including hourly rate, retainer, or other proposed terms.
- k. The Town will require the respondent or firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate general liability (in an amount not less than \$1,000,000.00 per person, \$2,000,000.00 per claim and \$250,000.00 per claim for property damage), automobile liability insurance (\$1,000,000 per occurrence), professional liability/errors and omissions insurance (\$1,000,000 per claim and in the aggregate occurrence). All insurance coverage required shall be with companies approved in advance by Town, who shall be named as an additional insured on all such policies. Proof of such insurance shall be provided to Town prior to commencement of any work.

Proposals will be evaluated using, but not limited to, the following criteria:

- a. The respondent's experience, qualifications and references.
- b. Overall proposal suitability: proposal must meet the scope and needs included herein and be presented in a clear and organized manner.
- c. Projected cost and cost structure to provide services required.

The Town reserves the right to reject, in whole or in part, any proposal submitted which the Town believes would not be in its best interest. The Town also reserves the right to waive minor deficiencies or reject all proposals.

Proposal Process Proposals should be submitted to the following:

**Dalton Pierce, MPA, Town Administrator**  
**Town of Blacksburg**  
**105 S. Shelby St.**  
**Blacksburg, South Carolina 29702**

**Deadline for Questions:** The deadline for questions is **December 16<sup>th</sup> at 5:30 PM**. Proposers should send questions regarding this Request for Proposals to Dalton Pierce, MPA, Town Administrator, in writing or email to [dalton@townofblacksburg.com](mailto:dalton@townofblacksburg.com) Questions received before this deadline will be answered via addendum sent via email. Questions received after this deadline will not be answered.

If an addendum is issued, proposers must acknowledge receipt of the addendum with their proposal.

**Deadline for Submissions:** The deadline for submission is **December 21<sup>st</sup>, 2020 at 12:00 PM**. Proposals will be received at 105 S. Shelby St. Blacksburg, SC 29702 in a sealed envelope. Sealed envelopes must be clearly marked "RFP - Town Attorney" and include one (1) hard copy and one (1) electronic copy saved to a USB flash drive.

It will be the responsibility of the proposers to verify receipt by the Town. Proposals may be delivered by hand or by mail, but no proposal shall be considered which is not actually received by the Town at the place, date and time

appointed by the Town and the Town shall not be responsible for any failure, misdirection, delay or error resulting from the selection by any proposer of any means of delivery. All proposals submitted shall include a current e-mail address.

Proprietary and/or Confidential Information: Your proposal is a public document under the South Carolina Freedom of Information Act (FOIA), except as to information that may be treated as confidential as an exception to disclosure under the FOIA. If you cannot agree to this standard, please do not submit your proposal. All information that is to be treated as confidential and/or proprietary must be CLEARLY identified, and each page containing confidential and/or proprietary information, in whole or in part, must be stamped and/or denoted as CONFIDENTIAL, in bold, in a font of at least 12-point type, in the upper right-hand corner of the page. All information not so denoted and identified will be subject to disclosure by the Town.

Proposers acknowledge and agree that the Town will not be liable for any costs, expenses, losses, damages (including damages for loss of anticipated profit) or liabilities incurred by the respondent or any member of the respondent's organization as a result of, or arising out of, submitting a proposal, negotiating changes, or due to the Town's acceptance or non-acceptance of the proposal or the rejection of any and all proposals. Proposers are responsible for submission of accurate, adequate, and clear descriptions of the information requests. Neither issuance of the RFP, preparation and submission of a response, nor the subsequent receipt and evaluation of any response by the Town of Blacksburg will commit the Town to award a contract to any respondent even if all the requirements in the RFP have been met.

Proposers must have or be able to procure a Blacksburg Business License.